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SECURITY COUNCIL
Fifty-third year

Letter dated 20 January 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 19 January 1998, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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ANNEX

Letter dated 19 January 1998 from Mr. Aytuğ Plümer addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letters dated 5 and 14 January 1998 addressed to you by the Greek Cypriot representative at the United Nations, which contain allegations regarding the "violation of the national airspace of the Republic" (A/52/761-S/1998/12 and A/52/767-S/1998/33).

I would like to recall that similar charges of so-called "airspace violations" rejected in toto in our successive communications addressed to you, most recently in my letter dated 4 December 1997 (A/52/712-S/1997/961, annex). Since the present Greek Cypriot allegations are no different from or more credible than those previously made, they do not merit a detailed reply. I wish to reiterate briefly, however, that flights within the airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the usurper Greek Cypriot regime in the South has no jurisdiction or right of say whatsoever.

The Greek Cypriot side is pursuing its relentless campaign of propaganda aimed at providing a smokescreen for its lack of political will to settle the Cyprus issue. The Greek Cypriot side, which has never come to terms with the concept of power-sharing with the Turkish Cypriot side on the basis of equality, has thus far paid lip-service to your mission of good offices so long as the framework has essentially not challenged the Greek Cypriot pretence that they are the "Government" and the Turkish Cypriot side is a mere "community". Since the Luxembourg decision of the European Union (EU), taken last month has unfortunately upheld this false premise, the parameters for a settlement of the Cyprus question have been severely undermined, as the Greek Cypriot side is able to proceed with its unilateral drive towards membership of EU in the name of "Cyprus", in total contravention of the 1960 Agreements on Cyprus and the internal and external balances established by those Agreements.

Another basic objective of the Greek Cypriot administration in making these allegations is to divert attention from its policy of escalation and tension on the island. It is noteworthy, in this context, that the Greek Cypriot leader, Mr. Glafcos Clerides, has recently announced that the new Paphos military airbase in South Cyprus would be ready for delivery on 24 January 1998 for use by the Greek air force as part of the "joint defence doctrine" with Greece (Greek Cypriot daily, The Cyprus Mail, of 9 January 1998). This new and dangerous development shows that the offensive launched by the Greek-Greek Cypriot front in 1963 in order to destroy the 1960 Agreements on Cyprus, and the internal and external balances, is still continuing.

It is high time that all those interested in a peaceful settlement of the Cyprus question acknowledge the realities on the island and refrain from assisting the Greek Cypriots in upholding the myth that they are the sole, legitimate "Government" and have sovereignty over the whole island.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Aytuğ PLÜMER
Representative
Turkish Republic of Northern Cyprus

UNITED NATIONS **S**

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S/1998/58
22 January 1998

ORIGINAL: ENGLISH

LETTER DATED 22 JANUARY 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the intention reported to the Security Council, I visited Baghdad from 19 to 21 January 1998.

Immediately prior to this visit, in a statement by the President of the Security Council of 14 January 1998 (S/PRST/1998/1), the Council expressed its full support for the Special Commission and its Executive Chairman, including in his forthcoming travel to Iraq to continue his discussions with officials of the Government of Iraq aimed at the full implementation of the relevant resolutions and at increasing the effectiveness and efficiency of the operations of the Special Commission to that end.

The statement enjoyed the unanimous support of all members of the Security Council. It had been issued following the failure of Iraq to permit one of the Commission's teams to fulfil its mandate to inspect certain sites in Iraq. Those facts had been reported in a letter I had addressed to the President of the Council on 12 January 1998 (S/1998/27).

On this visit to Baghdad, I was accompanied by my Deputy, Mr. Charles Duelfer, and three Commissioners, Mr. Ron Cleminson (Canada), Mr. Zhou Fei (China) and Lt. Col. GianPiero Perrone (Italy), as well as by certain senior officials of the permanent staff of the Commission in New York.

The Iraqi side was led by the Deputy Prime Minister, Mr. Tariq Aziz. He was supported by a number of Ministers and senior military and civilian officials.

Three plenary meetings were held, one on 19 January and two on 20 January, for a total of eight and one half hours. In addition, Mr. Tariq Aziz invited me to a private meeting with him on 21 January, immediately prior to my departure from Baghdad.

The discussions followed upon those held on 14 and 15 December 1997 in Baghdad. I reported on developments that had occurred since those meetings, both in the Security Council and in the work of the Commission.

On the question of access (see S/1997/987), I drew attention to the statement issued by the President of the Council on 22 December 1997 (S/PRST/1997/56), in which the Council stressed that failure by the Government of Iraq to provide the Special Commission with immediate, unconditional access to any site or category of sites was unacceptable and a clear violation of the relevant resolutions. I said that I had been asked by the Council to seek from the Government of Iraq the assurance that it would meet the requirements of the Council, in particular, that no sites would be designated as off-limits to inspection. The response of the Government of Iraq, given by the Deputy Prime Minister, is set out in the attached report.

I also drew attention to the statement by the President of the Security Council of 14 January 1998, in which the Council reiterated its demand that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance. There was therefore no question that Iraq could seek to dictate the terms of its compliance with its obligations to cooperate with the Special Commission in matters such as the composition of the Commission's inspection teams. The Deputy Prime Minister did not indicate any disagreement with this position, although he expressed a view on how Iraq would prefer those teams to be composed, referring to the national/ethnic origins of team members.

On the work of the Commission, I informed the Deputy Prime Minister of the steps that had been and were being taken to implement the recommendations of the emergency session of the Commission, held in November 1997, regarding measures to improve the effectiveness of the Commission. The Deputy Prime Minister welcomed these developments.

In the statement by the President of the Security Council of 14 January 1998, the Council requested a full briefing by the Executive Chairman on the discussions as soon as possible after they had taken place, so that it could decide, as necessary, on an appropriate response on the basis of the relevant resolutions.

In the light of that request, I transmit herewith a report on the discussions held in Baghdad this week. I would be grateful if you could bring this letter and the attached report to the attention of the members of the Security council.

(Signed) Richard BUTLER

Annex

Report on the visit to Baghdad from 19 January to 21 January 1998 by the Executive Chairman of the Special Commission established by the Security Council under paragraph 9 (b) (i) of Security Council resolution 687 (1991)

I. INTRODUCTION

1. The discussions took place in three plenary meetings and a brief private meeting between the Deputy Prime Minister and the Executive Chairman. The discussions were, for the most part, devoted to issues of policy, in particular that of access to all sites in Iraq that the Commission wished to inspect in the implementation of its mandate. However, practical arrangements for the forthcoming technical evaluation meetings in the various weapons areas were further discussed and agreed upon. Other operational issues, including the use of new additional assets for aerial surveillance, were also raised and discussed briefly.

II. POLICY DISCUSSIONS

2. At the invitation of the Deputy Prime Minister, the Executive Chairman opened the discussions. He began by recalling that, at the conclusion of the meetings in December 1997, the two sides had agreed to meet again in about a month for a number of specific reasons. First, to assess whether the practical modifications, agreed upon in December, to the arrangements for the inspection of sensitive sites were working in practice. Secondly, in December, the Iraqi side had identified five categories of sites within Iraq in relation to inspections by the Commission. One category had been designated as "Presidential and sovereign sites" to which the Deputy Prime Minister had said absolutely no access would be granted. At the time, the Executive Chairman had indicated he could not predict precisely how the Security Council would react to this exclusion. The Executive Chairman drew attention to the statement issued on behalf of the Security Council by its President on 22 December (S/PRST/1997/56), in which the Council had rejected the position taken by Iraq.

3. The Executive Chairman reported that arrangements were proceeding satisfactorily for the technical evaluation meetings, which had been agreed upon during the December meetings. The first technical evaluation meeting would begin in Baghdad on 1 February 1998. He also mentioned steps taken within the Commission to implement the recommendations of the emergency session of the Commission, held in November 1997, to consider measures to increase the effectiveness of the work of the Commission. These included measures with respect to the staffing of the Commission and new offers for surveillance aircraft.

4. The Executive Chairman then drew attention to the grave concern of the Commission at the events of the previous week, when Iraq had prevented UNSCOM 227 from carrying out its assigned inspections. This had resulted in the further statement by the President of the Security Council of 14 January 1998

(S/PRST/1998/1). The Executive Chairman also noted that the recent speech by the President of Iraq contained remarks on relations with the Security Council and, by implication, on a six-month deadline for the lifting of the sanctions. In this regard, he said he would appreciate some clarifications.

5. The Executive Chairman then said that the issues he had outlined represented a possible agenda for the current meetings, namely:

(a) Modalities for sensitive site inspection;

(b) Technical evaluation meetings;

(c) Speech by the President of Iraq on 17 January 1998;

(d) Access to presidential and sovereign sites;

(e) Other operational issues:

(i) Monitoring situation report;

(ii) Helicopter operations;

(iii) Use of Rasheed Airbase;

(iv) Rocket grenade attack on the United Nations building, in which the Commission's Baghdad Monitoring and Verification Centre is housed;

(v) UNSCOM 227.

6. The Deputy Prime Minister agreed that the Executive Chairman had outlined the basic issues for discussion.

A. Modalities for sensitive site inspections

7. The Executive Chairman said that initial experience in implementing the revised arrangements for the inspection of sensitive sites had indicated some definite improvements. He had reported the proposed arrangements to the Security Council in December 1997, in particular the possible increase in the number of inspectors permitted into a sensitive site and measures to speed up the granting of access. The Council had agreed that the new measures should be tested. Since the Chairman's last visit to Baghdad, there had been a few occasions on which the Chief Inspector of the team involved in the inspection had proposed, and Iraq had agreed to, more than four inspectors entering a site Iraq had declared to be sensitive. There had also been a reduction in the delay in obtaining entry.

8. However, the Executive Chairman said there had been some problems. Once access to a site was obtained, Iraqi cooperation had, on occasions, been less than satisfactory. Iraqi counterparts had subjected Chief Inspectors to a line of questioning on details of the other inspectors, including their nationality and expertise, and what they were looking for. This questioning caused delays

in carrying out the inspection. There also appeared to be the implication that Iraq was exercising rights in this regard, such as the right to object to particular personnel or to the basis for the inspection. These were matters within the exclusive competence of the Commission. There had also been clear instances of Iraqi personnel, in the site being inspected, moving ahead of the inspectors, possibly to "cleanse" the site. The Executive Chairman requested that orders be issued to put a stop to such practices. They did not represent cooperation. They could serve to defeat a given inspection.

9. The Deputy Prime Minister indicated that he had been told by the Director of the National Monitoring Directorate that such contacts between the Chief Inspector and Iraqi minders were not of an official nature. Questions had been put by individual members of the Iraqi counterpart teams based on their long acquaintance with some of the Commission's inspectors and their interest in the purpose of the inspection. Inspections had been going on for seven years and it was natural to want to know why they were continuing. The inspectors could refuse to answer the questions, or could give an answer that would enhance cooperation. On the official level, Iraq had the right, which it had exercised, to inquire why the Chief Inspector proposed an increase in the number of inspectors to be admitted in any particular case. These questions did not delay entry. If Iraq intended to block an inspection it did so, politically, and bore the consequences.

10. The Deputy Prime Minister indicated that he had personally intervened to speed access to sensitive sites by instructing the Director of the National Monitoring Directorate to accompany inspection teams that were thought likely to want to gain admission to sensitive sites. The Director was accompanied by two personnel authorized to require immediate access to any sensitive site.

11. The Executive Chairman reiterated the point that the granting of access, which Iraq was obliged to do, could be nullified, in effect, by measures inside the site designed to defeat the purposes of the inspection.

B. Technical evaluation meetings

12. The Deputy Prime Minister set out his understanding of the proposals with respect to the forthcoming technical evaluation meetings.

13. The Executive Chairman responded by outlining the arrangements being made for the first two technical evaluation meetings and addressing the proposals put forward by the Deputy Prime Minister:

(a) These meetings would be in the missile and chemical areas, to deal with special warheads and the chemical agent VX, respectively;

(b) They would be held in Baghdad at the beginning of February 1998;

(c) Iraq would make a presentation to and participate in all discussions. The Commission's team, which would include the independent experts recruited for the meeting concerned, would discuss with the Iraqi side the outlines of their conclusions;

(d) The initial technical evaluation meetings were scheduled for five days each, but flexibility would be applied in this regard if it were found that more time was required. If there were any issues identified as requiring further work, the meeting concerned could be reconvened in a relatively short time;

(e) The meetings on special warheads and on VX should be concluded during the course of February 1998.

14. The Executive Chairman explained that the meeting on the biological area was more complex, not least because it would address the whole biological file. Its timing would depend, in part, on the availability of the external experts, many of whom had commitments at an important biological weapons conference in Geneva in February 1998.

15. The Deputy Prime Minister inquired whether it would be possible to convene the meeting before the Geneva conference, claiming that the technical evaluation meeting might be a more important meeting than the Geneva conference. The technical evaluation meeting could be reconvened, if necessary, after the Geneva conference, to complete its work. He hoped the technical evaluation meeting would report in March. The Executive Chairman undertook to explore further the practical arrangements for the convening of the technical evaluation meeting in the biological weapons area.

16. In response to a request from the Deputy Prime Minister, the Executive Chairman indicated that UNSCOM would, as far as possible, make available to Iraq the informal translations into English, which had been made within UNSCOM, of documents provided by Iraq as part of its full, final and complete disclosures in the areas relevant to the subject matters of the technical evaluation meetings.

C. U-2 aircraft and other surveillance platforms

17. The Deputy Prime Minister repeated Iraq's request that the Commission should terminate its U-2 flights and replace them with suitable aircraft from other countries. He understood that offers of such aircraft, in particular one from the Russian Federation, had been made. Where did this matter stand? Iraq considered that the U-2, as an aircraft of the United States of America operated by an American pilot, served American purposes hostile to Iraq, not those of UNSCOM. Its flights constituted a threat to the security of Iraq, in view of the frequent threats by the United States of military action against Iraq. There were other countries with suitable aircraft which did not have the same hostile intent against Iraq.

18. The Executive Chairman affirmed that the U-2 was operated over Iraq as an UNSCOM aircraft, carrying out aerial surveillance taskings set by the Commission. It was a unique platform with unique capabilities. UNSCOM would continue to use it.

19. Referring to a recommendation made by the emergency session of the Commission in November 1997, the Executive Chairman said he was exploring the possibility of obtaining supplementary air assets from additional countries in

the interest of increasing the effectiveness of UNSCOM operations. A firm offer had been received from the Russian Federation, and a Commission team would shortly visit Moscow to discuss logistics, tasking, financing and other matters relevant to the offer. A further offer may be made by France. The Commission would handle it in the same manner as the offer by the Russian Federation.

20. The Deputy Prime Minister welcomed the possible use of aircraft of non-United States origin, but repeated his position that they should be regarded as replacing the U-2 rather than as a supplementary means of conducting aerial surveillance activities.

21. The Executive Chairman repeated the Commission's position on the need for the U-2 platform and said it was very pleased with the prospect of obtaining additional aerial surveillance capability. This would increase the effectiveness of the Commission's work.

D. Speech by the President of Iraq on 17 January 1998

22. The Executive Chairman sought clarifications from the Deputy Prime Minister on certain remarks contained in the speech given by the President of Iraq on 17 January 1998. Those remarks appeared to have a bearing on the issue of access to presidential sites and on cooperation with the Security Council. The Executive Chairman recalled that the Council had demanded, on numerous occasions, that the Government of Iraq supply the Commission with unconditional and immediate access to any site relevant to the Commission's mandate. The Council had also demanded that Iraq cooperate fully with the Commission. However, the speech given by the President seemed to contain conditions on Iraq's continued cooperation with UNSCOM. The Executive Chairman therefore requested the Deputy Prime Minister to provide him with clarifications on the content and meaning of the President's remarks. The Deputy Prime Minister undertook to address this issue at a later stage during the meetings.

23. At the first meeting on the following day, 20 January, the Deputy Prime Minister provided the Executive Chairman with a copy of the President's speech, in English.

24. In the section addressing the relationship between the Government of Iraq and the Security Council, the text stated that:

> "If the Security Council does not take a decision in fulfilment of its obligations towards Iraq as stipulated in the unjust resolutions which it took alone and without the participation of Iraq as reciprocal commitments, then Iraq has resolved to take a decision consistent with the recommendations of the people's representatives at the National Assembly and shall assume full responsibility for it since there is no other alternative course of action."

25. At the second meeting on 20 January, the Deputy Prime Minister, in elucidation of the President's remarks, said that the Security Council had to honour its commitments regarding the lifting of sanctions as the Government of Iraq had fulfilled all its disarmament obligations. He added that the

President's remarks had been concerned with the relationship between Iraq and the Security Council and not with the Special Commission. However, he said the Commission had not done its part by closing the disarmament files. The Government of Iraq would not tolerate the unjust prolongation of sanctions against it. Those sanctions had not been lifted because of the American position in the Security Council. In his speech the President had only reiterated what the Government had always stated, that there had to be a reasonable time for the lifting of sanctions. Now the United States was threatening Iraq and Iraq had to be prepared for any possibility. Since September 1997, the American Government, and in some instances the United Kingdom of Great Britain and Northern Ireland, had undertaken actions against the Government of Iraq. These had been amply reflected in the press.

E. Access to presidential and sovereign sites

26. On the issue of access to presidential and sovereign sites, the Executive Chairman recalled that, during the December 1997 meetings, he had expressed his doubt that the Security Council would accept Iraq's absolute position that such sites could never be inspected by the Commission. Since then, the Council had pronounced itself twice on the issue, rejecting Iraq's position and demanding full access to all sites in Iraq. However, there was a hope expressed by members of the Council that some arrangements could be made for inspections of presidential and sovereign sites that would take into account Iraq's legitimate dignity, sovereignty and security concerns, while meeting UNSCOM's inspection requirements.

27. The Deputy Prime Minister said that access to those sites, which included presidential sites and the headquarters of ministries, was not mentioned in any document of the Security Council. The resolutions of the Council only referred to access to sites in general terms. He considered that access to presidential and sovereign sites was a new interpretation by the Commission of the Council's resolutions, which went beyond its disarmament mandate. He viewed UNSCOM as trying to expand its rights in order "to do whatever it wanted to do in Iraq". The Commission was not an occupying force. Did the Commission really believe that Iraq would conceal weapons of mass destruction, such as anthrax and VX, in the residences of the President? Even assuming that Iraq had done so, did not the Commission think that Iraq would have moved them given the current furor concerning such sites?

28. The Executive Chairman rejected any characterization of UNSCOM as an occupying force and reiterated that UNSCOM was solely governed by the mandate given by the Security Council, which, inter alia, gave it the right to enter any site in Iraq relevant to its work and gave Iraq the obligation to cooperate.

29. Regarding the particular issue of access to presidential and sovereign sites, the Executive Chairman requested the Deputy Prime Minister to clarify the number and size of such sites. He reiterated his request to have a map with the location of those sites, as it was important for the Security Council to know exactly what was involved in this issue, to know its order of magnitude. The Deputy Prime Minister said there were eight presidential sites in Iraq, located in four provinces. He named them and provided a general description of their

location and extent. He said he would not provide a map of the sites, as it could be used by enemies of Iraq for military targeting.

30. The Executive Chairman reiterated that it was important to know if the denial of access was related only to the presidential palaces - the buildings where the President lived and worked - or to the whole area surrounding the palaces, including other buildings such as warehouses, security facilities, etc. The Deputy Prime Minister clarified that Iraq considered them as presidential sites, or compounds, which included a multiplicity of buildings and the surrounding areas inside the perimeter walls. He said it was incorrect to refer to them as presidential palaces, as there was only one Presidential Palace in Iraq, which was located in the capital, Baghdad, at one of the presidential sites. The sovereign sites were limited to the eight presidential sites and the headquarters of Government ministries.

31. The Executive Chairman said progress might be able to be made if it were possible to differentiate the presidential residences from the buildings and areas around them but within the defined presidential and sovereign sites. If Iraq were to accept the Commission's right to inspect those sites, the Commission might be able to apply particular procedures for the inspection of the buildings where the President lived and worked, while preserving the inspection's objectives and effectiveness. Inspection of the surrounding areas and other buildings would be carried out under the arrangements for the inspection of sensitive sites.

32. In reply, the Deputy Prime Minister then made the following proposal as the formal answer by the Government of Iraq on the access issue.

33. The Commission and Iraq would conduct the technical evaluation meetings on the three weapons areas. Both sides should wait to see the results of those meetings and how the results would be reported by the Commission in its April 1998 report to the Security Council. The Deputy Prime Minister continued:

> "If that report shows that the outstanding issues from the prospect of the Special Commission have been settled and the disarmament requirements have been fully completed, then we will be in a new situation where the sanctions would be lifted and that would create a new atmosphere in the relationship between Iraq and the Special Commission and the Security Council and the attention would be focused on the realm of ongoing monitoring and verification. If that would not be the case in April and this matter, the access [to] such sites, will be the only issue blocking the way towards lifting the sanctions, then you and I could meet and discuss it and see what to do about it. I do not make any previous promises except my readiness to discuss this matter with you again in April. I hope that you accept my idea, my proposal, and I hope that you do not precipitate any negative reaction to it from now till April."

34. In seeking clarification of the Deputy Prime Minister's proposal, the Executive Chairman asked whether the Deputy Prime Minister assumed that a satisfactory outcome of the technical evaluation meeting on the accounting of missile warheads would mean that the missile file, as a whole, would be closed.

35. The Deputy Prime Minister said that that was his assumption, since the issue of warheads was the last remaining problem in the missile area. The Executive Chairman responded that there were other outstanding issues in the missile area, such as Iraq's indigenous capability for the production of proscribed missiles, missile propellant accounting, and missile testing activities. Thus, a positive outcome of the technical evaluation meeting on warheads alone would not mean the closure of the missile file.

36. The Executive Chairman asked whether the Deputy Prime Minister assumed that a satisfactory outcome of the technical evaluation meeting on the chemical nerve agent VX would mean that the chemical weapons file, as a whole, would be closed.

37. The Deputy Prime Minister said that that was his assumption. The Executive Chairman responded that there were other outstanding issues in the chemical area, other than VX, although an unambiguous finding on VX could advance the chemical weapons issues towards long-term monitoring.

38. Also, the Executive Chairman asked whether the Deputy Prime Minister assumed that the technical evaluation meeting on the biological weapons area could address and settle all the issues in that area. The Deputy Prime Minister said that that was his assumption. Iraq was prepared to submit all necessary clarifications to questions put by the experts at a technical evaluation meeting. If it proved to be not enough, a second technical evaluation meeting could complete the process.

39. The Executive Chairman said the Commission had repeatedly made clear to Iraq that, for the success of the technical evaluation meetings, it had to provide more documentation in the biological area, as well as in the other areas, as Iraq's biological declaration was incomplete and not credible. But he recalled that the Deputy Prime Minister had reiterated that no further documentation would be submitted by Iraq to the technical evaluation meetings. That hardly supported his assumption that the forthcoming technical evaluation meetings would be as consequential as he believed.

40. The Executive Chairman then asked whether the Iraqi proposal meant that it would be necessary to postpone the discussion on access to presidential and sovereign sites and that the Commission should not conduct inspections of those sites. The Deputy Prime Minister said his proposal was that the Executive Chairman should postpone all further discussion and inspections of presidential and sovereign sites until April.

41. The Deputy Prime Minister went on to say that if the Commission wanted to send inspections to sites considered by Iraq as "normal" or "sensitive", Iraq would not stop them.

42. The Executive Chairman said he would report Iraq's proposal to the Security Council but could make a few comments, straight away.

43. First, as Executive Chairman of the Commission he could not and would not give the undertaking not to authorize any inspections in what Iraq might state were within presidential and sovereign sites unless and until he received a new

directive from the Security Council. Iraq was asking him to stop an important part of the Commission's work. Only the Council could direct that.

44. Secondly, the Security Council would decide on Iraq's proposal, but he felt obliged to point out that it flew directly in the face of the Council's requirements. If requested by the Council, he would say that the proposal was a way for Iraq to avoid its obligation to provide unconditional access. He found it disturbing that such proposal was the answer of the Government of Iraq to the Council's decisions.

45. In answer to a question by the Deputy Prime Minister, the Executive Chairman stated again that he retained the right to send inspections to any site in Iraq, including presidential and sovereign sites, relevant to the Commission's mandate, pending his report to the Security Council and receipt of any instruction from the Council to the contrary.

46. The Deputy Prime Minister replied by saying he was fully aware of the Security Council's decisions. The language on access had been used in several resolutions of the Council since 1991. However, the Commission had not tried to inspect presidential or sovereign sites until September 1996. The Deputy Prime Minister was of the view that the disarmament files could be closed through scientific and technical means, without the need for inspections of presidential and sovereign sites. Iraq was ready to fulfil all the Security Council's disarmament requirements.

47. The Deputy Prime Minister reiterated that the Government of Iraq possessed no weapons of mass destruction, no major components, nor was it seeking to produce proscribed weapons. The outstanding issues could be dealt with by ongoing monitoring. The Deputy Prime Minister said that the Government of Iraq was working with the Commission in order to get the sanctions lifted. If there was no prospect of this, the Government of Iraq had no intention of continuing to work with the Commission. Iraq was ready to face the consequences, including war. The Executive Chairman should report this to the Security Council.

F. Other operational issues

Monitoring situation report

48. The Executive Chairman confirmed that the Commission was now in a position to affirm the initial assessment he had given in December, namely that the Commission had not found evidence of the prohibited use of dual-use equipment during the period in which the Commission's inspection teams had been out of Iraq, in November and December 1997. Having made this point, it had been the case that, during that period, dual-use equipment had been moved out of the facilities under monitoring, contrary to the applicable provisions in the plan for ongoing monitoring and verification.

Helicopter operations

49. The Deputy Prime Minister complained that, during recent months, there had been instances where the Commission's helicopters had flown over residential

areas or near presidential sites, despite warnings by the accompanying Iraqi pilots that a dangerous situation could ensue. In residential areas it was always possible that someone hostile to Iraq - perhaps from the Islamic Republic of Iran, Israel or the United States - could fire on the helicopter in order to create an incident between UNSCOM and Iraq. He could not guarantee the safety of the overflights of such areas.

50. The Executive Chairman reaffirmed his complete confidence in the professional competence and correct conduct of the Commission's helicopter pilots provided by the Chilean air force. They had the final word on board UNSCOM flights to determine what measures to take in respect of their own safety and that of the aircraft and other persons on board. He would mention to them what the Deputy Prime Minister had said.

Use of Rasheed Airbase

51. At the September and December 1997 meetings in Baghdad, the Executive Chairman had raised with the Deputy Prime Minister the right of the Commission to use Rasheed Airbase, where its helicopter operations were based, for its fixed-wing aircraft. He had pointed out that this would considerably facilitate the Commission's operations by greatly reducing the transit time to and from the Baghdad Monitoring and Verification Centre and the airport on the arrival and departure of the Commission's and the International Atomic Energy Agency (IAEA) teams. In September, the Deputy Prime Minister had refused to make the Rasheed Airport available and in December, when the issue was raised with him again, he stated that he would address it in the forthcoming meeting planned for January 1998.

52. At its emergency session in November 1997, the Commission had called upon Iraq to make Rasheed Airbase available to the Commission's fixed-wing flights.

53. When the Executive Chairman raised the matter again, the Deputy Prime Minister replied that there was no change in his position. The Commission was adequately served by the facilities at Habbaniyah, which was suitably remote from Baghdad and where Iraq had the necessary arrangements in place for receiving and checking out inspection teams.

Rocket-propelled grenade attack on the United Nations Centre, Baghdad

54. During his introductory remarks, the Executive Chairman drew attention to the rocket-propelled grenade attack on the United Nations office building in which the Baghdad Monitoring and Verification Centre is housed. Fortunately, but possibly unintendedly, it had caused little damage. But it had raised serious safety and security concerns.

55. The Deputy Prime Minister said that the attack had been carried out by dissident groups opposed to the Government of Iraq.

G. Further discussions

56. At the conclusion of the discussions, it was agreed that the Executive Chairman would visit Baghdad again during the first week in March. This date was chosen because it would be after the end of the planned technical evaluation meetings.

III. COMMENTS

57. The following comments, by the Executive Chairman, address mainly the tenor of the talks just concluded in Baghdad and the meaning of the decisions and attitudes conveyed by Iraq during the talks, from the standpoint of the mandate of the Commission as an organ of the Security Council.

58. In December I reported to the Security Council, in answer to questions put to me by Council members, that the discussions which had then been held in Baghdad had been correct, businesslike and not characterized by residual hostility from the period of crisis which had immediately preceded them.

59. The tenor of the current talks has been very different. The talks were characterized, from the beginning, by: extended statements by the Iraqi side to which no even remotely equal reply was invited, accepted or apparently wanted; moments of abuse and denigration of UNSCOM and its professional officers; an attempt literally to apportion all blame to UNSCOM, past and present, for the fact that the disarmament task had not been completed and sanctions on Iraq remained in force.

60. UNSCOM representatives present at the talks found Iraq's decision to conduct its participation in the meeting in this manner disturbing and disappointing. More important, however, was what it apparently revealed in substance.

61. First of all, the Iraqi side advanced a certain view of the history of the relationship. The Deputy Prime Minister spoke at length about how Iraq had divested itself, long ago, of all of its weapons of mass destruction, their components and the means to produce them. He claimed that UNSCOM had been about to declare this to be the case, in mid-1995, but this was stopped when a person whom he described as an "idiot", the late Lt. General Hussein Kamel, had defected from Iraq, leaving behind an extensive cache of documents on Iraq's prohibited weapons programmes, which came into the possession of the Commission in August 1995.

62. The conclusion that UNSCOM and the Council drew from this event was one of relief, that is, we were able to avoid what might have turned out to be some premature conclusions.

63. The Deputy Prime Minister made clear that Iraq's conclusion is the opposite, namely that it was in some way deeply unfair that this revelation of important information on their prohibited programmes, their statements about which were then shown to have been misleading in many significant respects, had

robbed them of what Iraq then thought was to have been the end of the disarmament process.

64. It is of fundamental importance to record that Iraq does not, in any serious way, dispute the content of the materials which UNSCOM acquired in August 1995, the content of which has been helpful to UNSCOM in the course of its investigative and verification activities. These investigative activities were also aided considerably by information provided directly by Hussein Kamel on proscribed programmes which had been directly under his supervision and control.

65. When the Deputy Prime Minister speaks, as he did to us in the private consultations, but has increasingly done publicly, about the last 29 months as being in some way a period of unnecessary delay, of evasion by UNSCOM of the need to come to conclusions, he is speaking of the period since the August 1995 revelations, the content of which Iraq seems determined to try to dismiss.

66. In addition to this version of the history of the relationship between UNSCOM and Iraq, which in the Commission's view is significantly flawed, there have been specific grave instances of attempts to mislead the Commission and the Security Council. These continue to have bearing on the work of the Commission, including the need for inspections designed to discover what may be hidden and/or has been denied to the Commission, in violation of the Council's requirements.

67. Two examples should be sufficient to illustrate this point.

68. First, between 1991 and 1995 Iraq robustly denied that it had any offensive biological weapons programme. This was utterly false.

69. Secondly, until 1995 Iraq denied any production of VX. After enquiries from UNSCOM, Iraq issued a declaration that it had produced only 260 litres of VX. Today we know that Iraq has produced at least 3.9 tonnes of VX.

70. Drawing this first major point together, that is, Iraq's version of the history of relevant events, which it wants the Council to accept and is increasingly broadcasting around the world, I record that on 20 January 1998, during the talks in Baghdad, I asked the Deputy Prime Minister, "on the record", the following questions: Are you saying that Iraq has no weapons of mass destruction, or the means to produce them; that you have given UNSCOM all relevant materials; that there is nothing more to give, and there will be nothing more? Further, are you saying that the sole reason that these facts remain unrecognized and that the disarmament of Iraq's weapons of mass destruction has not been declared completed is because UNSCOM has refused to recognize these facts and make that declaration? The Deputy Prime Minister answered "yes" to each question.

71. These declarations by Iraq are only that. Sadly, Iraq has been unprepared to allow UNSCOM to verify its claims by adequately documenting them, by cooperating in UNSCOM enquiries and by allowing full access, including for inspections, under the terms laid down by the Council.

72. The Security Council will recall that in my report of 17 December 1997 (S/1997/987, para. 31), I referred to Iraq having read out at the December meetings four statements making claims similar to those recorded in paragraph 70 above.

73. The experience in December which followed the crisis created by Iraq on 29 October 1997, together with the experience of the talks just concluded in Baghdad, strongly suggests that Iraq is determined to withhold any further or new information from the Commission and to seek to prevent us from finding it ourselves if that would involve inspections of a certain character.

74. I am bound to state that if Iraq successfully avoids answering the questions we have had before it for some time on outstanding disarmament issues and/or in other ways prevents us from finding those answers, it is gravely to be doubted that we would be able to verify Iraq's claims that it has met its disarmament obligations, established by the Security Council. This, in turn, would have a serious negative impact on UNSCOM's ongoing monitoring and verification work.

75. This leads, naturally, to the second major subject - that of the forthcoming technical evaluation meetings.

76. Iraq has agreed to the structure and procedures for the technical evaluation meetings as proposed by me. The decision to create the new mechanism was taken, mainly, as a positive gesture towards Iraq. In addition, the meetings may constitute a new and helpful verification tool for the Commission.

77. It is regrettable that recent public statements by Iraq have sought to misrepresent the terms and composition of the technical evaluation meetings, characterizing them as a form of adjudication of issues by experts supplied by permanent members of the Security Council. This is not their nature and/or purpose, as the correspondence between myself and the Deputy Prime Minister shows. The Commission is competent and honest and can do the job of verification for which it was established and mandated. Its past record demonstrates this.

78. UNSCOM hopes that the technical evaluation meeting process proves useful and does advance its work with Iraq on the remaining issues of disarmament.

79. These comments now lead, naturally, to the key issue discussed this week: the Council's requirement for unconditional access in Iraq.

80. As the present report indicates, Iraq has not agreed to the Council's demand on access but has proposed instead:

- A postponement of the issue, pending the initial technical evaluation meetings, the outcomes of which, it states, will bring its disarmament obligations to an end, but to which it will not furnish new material;

- A further discussion between Mr. Tariq Aziz and myself on the access issue shortly prior to the April report to the Council by UNSCOM;

- However, that discussion itself, it is predicted by Mr. Aziz, may have no outcome and would only occur if the question of access by UNSCOM to "presidential and sovereign sites" was the only issue preventing the lifting of sanctions (this, of course, again assumes that the disarmament task was completed).

81. In my opinion, the series of assumptions on which the above proposals rest are far-reaching ones. In addition, it is difficult to see the reason for, or the point of the linkage Iraq has drawn between the technical evaluation meeting process and a suspension, possibly indefinitely, of an important part of UNSCOM's fieldwork.

82. In conclusion, I must remind the Security Council that full access is required not only for disarmament purposes but also in the context of ongoing monitoring and verification. Access relinquished now could be needed in important ways in the future.

83. Finally, I regret that I need to register with the Council my rejection of claims Iraq has seen fit to make, in public, to the effect that officers of UNSCOM have sought to prolong our coming to a conclusion on disarmament issues so that they can keep their jobs and incomes. These claims are utterly untrue and distasteful.

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22 January 1998

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL ADMINISTRATION FOR EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM

I. INTRODUCTION

1. In its resolutions 1120 (1997) of 14 July 1997 and 1145 (1997) of 19 December 1997, the Security Council requested the Secretary-General to keep it informed of the situation in the region of Eastern Slavonia, Baranja and Western Sirmium (hereafter referred to as "the region"). The present report covers the period from my last report dated 4 December 1997 (S/1997/953) to the conclusion of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) on 15 January 1998.

II. PROGRESS ON REINTEGRATION

2. In its resolution 1145 (1997), the Security Council, inter alia, noted with approval the improved performance of the Government of Croatia towards fulfilling its obligations and encouraged continued progress in that regard. During the reporting period, the efforts of the Government of Croatia to meet its obligations have indicated that the political will to complete the peaceful reintegration of the region is being sustained.

National reconciliation

3. The comprehensive programme of national reconciliation adopted on 9 October 1997 has continued to be conducted with energy and commitment. The benefits of the programme have become increasingly evident and, in particular, the national media have displayed a more constructive and conciliatory line in covering issues related to the Serb minority. Equally encouraging have been the messages of tolerance and reconciliation issued by political and religious leaders.

4. Progress at the national level, however, has yet to be matched at the local level, where reconciliation committees have focused mostly on technical issues related to returns, while ignoring the broader task of reconciliation. Strong central Government support and engagement in reconciliation continues to be required.

Establishment of local government administration

5. Since early December, considerable efforts have continued to establish fully functioning municipalities. Funding for municipalities is increasingly available and local officials are showing a greater willingness to engage in their tasks and to reside in the region. There is, however, an urgent need for further progress. The boundaries of the municipalities created before the April elections, as a precondition to holding the elections, have still not been legally recognized, leading to uncertainty over their status after the departure of UNTAES. These difficulties can be solved quickly by Government action.

Establishment of political institutions

6. Participation in Croatian political life by the region's ethnic Serb citizens has shown encouraging signs of increasing. Of particular significance was the convening of the first conference of the Independent Serb Democratic Party (SDSS) since its formation. Senior representatives of the Government of Croatia and the ruling Croatian Democratic Union (HDZ) party also participated in the conference. During December, mutually acceptable arrangements were made to ensure that there will be a continued media voice for the Serb community within the region. In addition, representatives of the Joint Council of Municipalities had their first meeting with President Tudjman as provided by the letter dated 13 January 1997 from the Government of Croatia (S/1997/27, annex). Equally encouraging have been the efforts of Serb members of the Parliament to play a more active and visible role in national politics, and the four Serb Assistant Ministers and two Senior Advisers are being regarded as increasingly effective.

7. Continued goodwill and patience will be needed from the Government of Croatia to ensure full participation by the Serb minority in the political life of the country. In this regard, it is important that the Joint Council of Municipalities receive its promised Government funding as soon as possible. Serb leaders must continue to work with energy and commitment to represent their constituency.

Integration of public services and enterprises

8. Almost all public services and enterprises have now been reintegrated. Outstanding cases involve only minor public services and these are close to completion. Of most recent significance was the agreement on the reintegration of health services signed between UNTAES and the Government of Croatia on 3 December 1997. The agreement provides for full financing of health facilities and equal access to health care for all residents of the region, together with the arrangement to nostrify medical diplomas for 300 health care specialists by 10 January 1998.

9. While there has been some improvement in the education sector, problems continue with nostrification of education diplomas for 43 teachers, school registration, final examinations, course content and textbooks. The Ministry of Education has undertaken to standardize examinations and to provide samples to students by 1 February 1998. Progress has also been made on the recall of text

books which breach the moratorium on teaching the history of the conflict, and bilingual school signs have been issued.

10. The ability to enjoy educational and cultural autonomy, as guaranteed by Croatian law and the letter dated 13 January 1997 from the Government of Croatia (S/1997/27, annex), will be a primary determinant of the willingness of Serb citizens to stay and a measure of Croatia's commitments to international standards of minority rights.

11. Some progress in increased availability of social welfare in the region has been made. According to Government figures, 11,437 pensions are being paid in the region (of this figure, about 12 per cent are invalid pensions) and 143 individuals have received unemployment benefits since 5 December 1997. Two social welfare centres and two unemployment centres are operating.

Economic reintegration

12. The extension to the region of the Government's programme for privatization of public and State-owned enterprises has caused concern among residents. The Government of Croatia has provided assurances that priority will be given to social stability rather than to economic considerations in this process. In addition, the Prime Minister has assured UNTAES that workers of formerly socially owned enterprises would not be terminated until a structural review of individual enterprises had been undertaken. These assurances have reduced anxiety that privatization will be carried out in a discriminatory fashion. There have, however, been some cases of concern: in one case, workers were threatened with dismissal backdated to December 1991.

13. Problems also continue with the recognition of the period 1991 to 1997 for pension purposes and with complete implementation of the Convalidation Law.

Return of displaced persons and refugees

14. While some progress has been made in facilitating the return of displaced persons to their homes, the process has been increasingly limited by continued legal and financial obstacles to the return of occupied property to its legal owners, delays in providing Government funding for the reconstruction of houses owned by Serb citizens and uncertain economic and social conditions in areas of potential return. Despite repeated calls by the Security Council, no progress has been achieved in establishing concrete mechanisms for returns to occupied property, or in resolving the issue of lost tenancy rights for Serb citizens. In the longer term, this failure may bring the return process to a halt.

15. The situation of Serb displaced persons in the region remains precarious. While the number of departures from the region has been significantly lower than anticipated, so far, most of those leaving the region are displaced persons with outstanding property claims which were not addressed by the Government. In many instances, liens have been placed by courts against properties elsewhere in Croatia owned by Serb displaced persons who are currently residing in Croat houses in the region, thus making it impossible to sell these properties while cases are pending. Over 500 such cases have been lodged in the Beli Manastir

Municipal Court alone. Liens also discourage Serbs from returning to their homes elsewhere in Croatia, thus slowing the two-way return process.

Human rights

16. The number of reported cases of harassment of ethnic Serbs has continued to cause concern. Despite assurances provided by Government officials to UNTAES that Serb displaced persons will be able to stay in the houses they are now occupying, many Serb displaced persons in the region have been harassed by Croat house owners telling them that they must vacate the houses by 15 January 1998. Hate mail, telephone harassment and personal intimidation of Serbs by Croats has increased following the easing of access to the region. Cases of obstruction in issuing citizenship, pension and birth registration documents have been reported, mainly at the local level.

17. Equally disturbing has been the number of reports involving allegations of misbehaviour and unprofessional conduct by some police officers. In certain instances, Croatian police officers are reported to have participated in assaults on residents of the region and other forms of intimidation. However, the cooperation between UNTAES and the Ministry of the Interior has been close and senior Croatian officials have taken appropriate measures to investigate reported incidents and to discipline those found guilty in accordance with Croatian law.

Amnesty Law

18. Uncertainty about the implementation of the Amnesty Law has continued to cause anxiety among local residents. To allay these concerns, the Minister of Justice publicly restated that there are no "secret war criminal lists". Notwithstanding, the Government has yet to conclude investigations of alleged war crimes with the participation of the local Serbs and the United Nations.

Maintenance of public safety and security

19. The security situation in the region has remained stable. The multi-ethnic Transitional Police Force continued to operate and comprises 815 Croat officers, 811 Serb officers and 52 officers from other ethnic groups. A six-week basic police training course was conducted for 95 ethnic Serb officers with United Nations Civilian Police assistance.

20. On 15 December, UNTAES transferred responsibility for the management and operational control of the Transitional Police Force to the Ministry of Interior. UNTAES, nevertheless, retained its authority to intervene and overrule until the end of its mandate. There were no major incidents at the time of transfer.

21. Further efforts are required, however, to make the Transitional Police Force a truly professional force and one which enjoys the confidence of both Serbs and Croats. Some officers of the Transitional Police Force are reluctant to investigate cases with ethnic overtones. Ethnic Serb officers remain apprehensive over their personal future and work prospects. The level of training and professionalism of many officers continues to need improvement:

nearly all ethnic Serb police officers require additional basic training and ethnic Croat officers show a need for greater inter-ethnic understanding and human rights and community police training.

22. The administrative control of the sole prison in the region has been transferred to the Government of Croatia. All prison guards who chose to continue working at the prison were offered permanent work contracts by the Croatian Ministry of Justice.

III. BILATERAL ISSUES

23. The "soft border" agreement between the Republic of Croatia and the Federal Republic of Yugoslavia was implemented in the region on 14 December 1997. Also, the Embassy of the Federal Republic of Yugoslavia in Zagreb has made arrangements to provide multiple entry visas at no charge to the residents of the region.

24. The local Serb leadership continues to attach great importance to the possibility of obtaining dual Federal Republic of Yugoslavia/Republic of Croatia citizenship for Serbs in the region. However, no progress has been achieved on the matter, which is acknowledged to be mainly a domestic issue for the Federal Republic of Yugoslavia.

25. Neither the Federal Republic of Yugoslavia nor the Republic of Croatia has made any steps yet to formally declare their intentions not to move present garrisons closer to the border, or to conduct military manoeuvres in the border area. The Transitional Administrator was informed, however, by the Foreign Minister of the Federal Republic of Yugoslavia of its intention to propose to the Government of Croatia that consultations be initiated on the matter.

IV. UNITED NATIONS CIVILIAN POLICE

26. The United Nations Civilian Police component remained within its authorized strength until 15 January 1998 and continued to monitor all operations of the Transitional Police Force. The United Nations Civilian Police component began its drawdown on 16 January and will reach the ceiling for the Civilian Police Support Group of 180 officers, authorized by the Security Council in resolution 1145 (1997), by 31 January 1998.

V. MILITARY DRAWDOWN

27. A military liquidation force, with the tasks of securing drawdown operations and guarding the remaining UNTAES assets and personnel, has been operational since 15 October 1997 and, as of 15 January, is being progressively phased out. There have been no security problems associated with this drawdown. In order to provide security to United Nations assets, I plan to retain a United Nations guard element of 60 military personnel until 1 March 1998 and, from 1 March 1998 until the completion of liquidation, planned to be not later than 31 May 1998, 30 military personnel will be required. The security of both

military and civilian personnel remaining in the Danube region will be provided by the Government of Croatia.

VI. COOPERATION WITH THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

28. UNTAES cooperated closely with the Organization for Security and Cooperation in Europe (OSCE) as it established its operations in the region. A number of OSCE personnel worked with UNTAES in order to gain experience of the region and familiarity with key issues. It is important that the OSCE be fully deployed in the region and become operational as soon as possible in order to begin effective monitoring and contribute to the maintenance of local confidence.

VII. OBSERVATIONS

29. As I noted in my report of 4 December 1997 (S/1997/953), the efforts made by the Government of Croatia give hope that the conclusion of the mandate of UNTAES on 15 January 1998 will not jeopardize the results of two years of intensive international investment and effort in the region. In the period since my previous report, progress has continued to be made on a range of issues and the Government has, in particular, displayed commendable energy and commitment in the conduct of its comprehensive programme for national reconciliation.

30. President Tudjman, at the recent ceremony marking the end of the UNTAES mandate, reiterated his Government's intention to honour its commitments and has vowed not to allow extremist elements to undermine the achievements of UNTAES. A key factor for consolidating these achievements will be the continued demonstration, through practical steps, by Government authorities of their determination to protect the rights of all minorities, in accordance with accepted international standards. The revitalization of the economy and the creation of real and equal opportunities for all citizens of Croatia will also be essential. The support of the international community will be an important element to supplement the efforts of the Government of Croatia.

31. It is unfortunate, nevertheless, that several key issues have remained unresolved. Obligations in the areas of property related issues, tenancy rights, funding for the Joint Council of Municipalities and full implementation of the Amnesty Law have yet to be fulfilled. The lack of progress on these commitments could have serious implications and affect other areas as local confidence in Government pledges erodes. The Government of Croatia must address these issues with the same energy that it has shown in other areas since September 1997. Critical to sustaining progress will be the role of the international community and Croatia's key bilateral partners, which must remain actively engaged in assessing Croatian performance on these and other issues. I welcome the key role that will be played by the OSCE in this regard. The Security Council may wish to consider inviting the Chairman-in-Office of OSCE to keep the United Nations regularly informed of relevant developments in the mission area. For my part, I will instruct the Head of the United Nations

Liaison Office in Zagreb to maintain close contacts with the United Nations agencies in Croatia, in particular the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, as well as other international organizations, especially OSCE, with a view to keeping the Council periodically informed of the situation in the region.

32. Croatia's request for further United Nations police assistance demonstrates the political will to complete the process of peaceful reintegration and, in particular, that the Government accepts its responsibilities for non-discriminatory policing in the future.

33. In accordance with resolution 1145 (1997), the United Nations Civilian Police Support Group will work closely with the Government of Croatia to monitor police operations in the Danube region and to improve the professional qualities of the multi-ethnic police forces. This commitment and support from the international community will ensure that the region is policed effectively and impartially, thereby facilitating the vital process of two-way returns of displaced persons during 1998.

34. In closing, I wish to pay tribute to the men and women of UNTAES who have worked hard and have sometimes risked their lives to secure stability for the peoples of Eastern Slavonia. I wish to pay equal tribute to those who led them - to my Special Representatives Jacques P. Klein and Willian G. Walker and to Force Commanders Jozef Schoups and Willy Hanset.

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Draft resolution

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, and in particular its resolution 1133 (1997) of 20 October 1997 in which it decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 20 April 1998 and to increase its size in accordance with the recommendation of the Secretary-General contained in his report of 25 September 1997 (S/1997/742 and Add.1),

Having considered the report of the Secretary-General of 13 November 1997 (S/1997/882 and Add.1) which contains a detailed plan, a timetable and financial implications for the increase in the strength of MINURSO,

Welcoming the letter of the Secretary-General of 12 December 1997 (S/1997/974) which inter alia records the resumption of the identification of eligible voters in accordance with the Settlement Plan and the agreements reached between the parties for its implementation, and the report of the Secretary-General of 15 January 1998 (S/1998/35) which inter alia records progress made since the resumption of the identification progress,

Welcoming also the appointment of the Special Representative of the Secretary-General for Western Sahara,

1. Approves the deployment of the engineering unit required for demining activities and of the additional administrative staff required to support the deployment of military personnel as proposed in Annex II of the report of the Secretary-General of 13 November 1997;

2. Expresses its intention to consider positively the request for the remaining additional military and civilian police assets for MINURSO as proposed in annex II of the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

3. Calls upon both parties to cooperate with the Special Representative of the Secretary-General and to cooperate further with the Identification Commission established pursuant to the Settlement Plan in order that the identification process can be completed in a timely fashion in accordance with the Settlement Plan and the agreements reached between the parties for its implementation;

4. Requests the Secretary-General to keep the Security Council fully informed of further developments in the implementation of the Settlement Plan;

5. Decides to remain seized of the matter.

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REPORT OF THE SECRETARY-GENERAL PURSUANT TO RESOLUTION 1136 (1997) CONCERNING THE SITUATION IN THE CENTRAL AFRICAN REPUBLIC

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1136 (1997) of 6 November 1997, in which the Council requested me to provide a report within three months on the implementation of the resolution, including recommendations on further international support for the Central African Republic after the mandate of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) expires on 6 February 1998.

2. Pursuant to the resolution, a United Nations multidisciplinary technical mission visited Bangui from 6 to 13 December 1997 to assess the political, military, security and economic and social situation and to begin formulating proposals pursuant to paragraph 8 of the resolution. As indicated in the second report of the Member States participating in MISAB (S/1998/3), the multidisciplinary mission, which was composed of representatives of the Department of Political Affairs and the Department of Peacekeeping Operations, as well as of the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees, who also represented the Department of Humanitarian Affairs, held extensive consultations in Bangui and collected the necessary information on the situation in the country. The observations of the mission have been incorporated into section II below.

3. On the basis of the submission of the assessments and recommendations of the mission, I decided to dispatch Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations, as my Personal Envoy to meet the President of the Central African Republic, Mr. Ange-Félix Patassé, as well as the President of the Gabonese Republic, El Hadj Omar Bongo, in his capacity as Chairman of the international Mediation Committee. I asked Mr. Annabi to impress upon his interlocutors in the Central African Republic the need for full implementation of the Bangui Agreements and for major reforms in the political, economic and security arenas, and to assess what further international support could be provided to the Central African Republic after the withdrawal of MISAB. Mr. Annabi also travelled to Paris to meet with General Amadou Toumani Touré, former President of Mali and current Chairman of the International Monitoring Committee, as well as with senior French officials. Mr. Annabi left New York on 3 January 1998 and returned on 10 January.

II. ASSESSMENT OF THE SITUATION

A. Political aspects

Role of the international community

4. In 1996, the Central African Republic was shaken by a politico-military crisis, punctuated by three successive mutinies of elements of the Central African Armed Forces, stemming to a large extent from widespread public discontent over social and economic problems exacerbated by prolonged non-payment of salary arrears. Deeply concerned by the deteriorating situation and its implications for the region, and in view of the request of President Patassé, the Nineteenth Summit Meeting of Heads of State and Government of France and Africa, held in Ougadougou from 4 to 6 December 1996, asked the Presidents of Gabon, Burkina Faso, Chad and Mali to visit Bangui to mediate a truce between the forces loyal to President Patassé and the rebels, which they succeeded in obtaining after intensive negotiations.

5. In accordance with the agreement of the Conference on Consensus-building and Dialogue, held in Bangui from 11 to 18 January 1997, and in response to a letter from President Patassé dated 27 January 1997, the Heads of State of Gabon, Burkina Faso, Chad and Mali decided to establish, from 31 January 1997, an inter-African force in the Central African Republic (MISAB). Its mandate, which was for an initial period of three months and was extended at the request of President Patassé, was aimed at restoring peace and security in the Central African Republic by monitoring the implementation of the Bangui Agreements (see paras. 6 and 7 below) and conducting operations to disarm the former rebels, the militia and all other unlawfully armed individuals.

6. On 25 January 1997, the parties signed the Bangui Agreements (S/1997/561, annex, appendices III-VI), which included the necessary elements for a comprehensive settlement of the crisis. An international committee, under the chairmanship of General Touré and composed of one representative of each of the four Heads of State concerned, was established to monitor the implementation of the Agreements, with logistical, technical and financial support provided by UNDP.

7. On 8 February 1997, MISAB was deployed in Bangui, comprising a total of some 800 troops from Burkina Faso, Chad, Gabon and Mali; and later from Senegal and Togo, under the military command of Gabon and with the logistical and financial support of France. Its mandate (S/1997/561, annex, appendix I) was approved on 6 March 1997 by President Bongo, as senior representative of the Heads of State and Government delegated by the Ougadougou summit meeting of December 1996. The force was placed under the political authority of President Bongo and, on his behalf, General Touré, in his capacity as Chairman of the International Monitoring Committee. It should be noted that the Organization of African Unity has supported both MISAB and the International Monitoring Committee with special grants.

8. In the course of its operations, the force has suffered some casualties, in particular during confrontations in Bangui in March and June 1997. In view of widespread organized crime, MISAB, with the agreement of the Central African

parties, extended its activities to the maintenance of security in the capital, including its suburbs. On many occasions, it was called upon to perform humanitarian functions. Since the signing of the truce agreement on 28 June 1997 and the ceasefire agreement on 2 July, MISAB has participated in joint security patrols consisting of MISAB personnel, loyalists and former rebels in all areas of the city.

9. Following letters from Presidents Bongo and Patassé to the Security Council (S/1997/543 and S/1997/561 respectively) requesting that MISAB be placed under its authority, the Council, on 6 August 1997, adopted resolution 1125 (1997), in which it determined that the situation in the Central African Republic continued to constitute a threat to international peace and security in the region. The Council also welcomed the efforts of the Member States participating in MISAB, approved the continued conduct of the operation of MISAB, and, acting under Chapter VII of the Charter of the United Nations, authorized the Member States participating in MISAB and the States providing logistical support to ensure the security and freedom of movement of their personnel. Having considered the situation in the Central African Republic in November, the Council, in its resolution 1136 (1997) of 6 November 1997, expressing its appreciation for the neutral and impartial way in which MISAB had carried out its mandate, decided to extend its authorization for MISAB to operate under Chapter VII until 6 February 1998.

Implementation of the Bangui Agreements

10. All the parties to the Bangui Agreements concur that of the seven main provisions of the Agreements, the following three have been implemented:

(a) Establishment of the Government of National Union in February 1997, with participation of representatives of the major opposition parties and representatives associated with the former mutineers;

(b) Promulgation of the amnesty act on 15 March 1997, which deals with offences committed during the third mutiny (November 1996);

(c) Adoption of a law on 31 October 1997 providing pensions and other benefits to former Presidents of the Republic.

11. Since the ceasefire came into effect on 2 July 1997, a fourth provision of the Bangui Agreements, concerning disarmament (surrender of weapons by the former mutineers and recovery of weapons from militias and the civilian population), has been implemented almost fully with regard to heavy weapons. As regards light weapons, close to two thirds of them have been handed over to MISAB so far, as explained in the latest report of the Member States participating in MISAB (S/1998/3).

12. At the same time, the implementation of the remaining three main provisions of the Agreements is still outstanding. They include the recommendations of the General Meeting on National Defence (États généraux de la défense), especially those concerning the dissolution of the present special security services and the downsizing and restructuring of the Presidential Guard; the abandonment of the judicial enforcement of the parliamentary audit in respect of persons

presumed to have misappropriated funds under the previous regime; and the holding of a National Reconciliation Conference, currently scheduled for 10 to 14 February 1998, which should mark the completion of the implementation of the Bangui Agreements. In addition, the delicate issue of compensation to the victims of the rebellions still needs to be addressed. Furthermore, in the context of the legislative elections scheduled for August/September 1998 and the presidential elections planned to be held in late 1999, the recently drafted electoral code needs to be adopted and an independent electoral commission established.

13. As underlined in the MISAB report dated 5 January 1998 (S/1998/3), much hope is being placed in the National Reconciliation Conference. Among other things, the Conference is called upon to draw up a final act that could serve as the basis for the government to elaborate a national charter. However, the report clearly indicates that a lasting favourable climate should be created and certain fundamental conditions fulfilled in order for the Conference to be considered a success. To that end, the International Monitoring Committee and the Ministry of Human Rights, National Reconciliation and Democratic Culture, with the logistical, financial and technical support of UNDP, organized public awareness-raising campaigns in the country in November and December 1997. In-depth discussions have focused on the urgent need to achieve lasting peace and national reconciliation, conditions conducive to the economic recovery and sustainable development of the country.

B. Economic and social aspects

14. Possessing natural resources such as timber, cotton and diamonds, the Central African Republic has significant economic potential. However, the 1996 mutinies had a detrimental impact on the overall economic situation of the country, causing the gross national product to fall by approximately 3 per cent in 1996, and leading to a serious loss of confidence in the Central African economy. Within the private sector, 130 registered enterprises were active in 1995, but since then their number has dropped to about 20. While economic growth rates have gradually increased since 1996, the state of public finances has continued to be highly unsatisfactory.

15. While in 1996 public revenue amounted to 33 billion CFA francs (US$ 60 million) and is estimated at some CFAF 44 billion for 1997, public debt has reached an alarming level, totalling CFAF 152 billion ($276 million), of which CFAF 80 billion is owed externally and CFAF 72 billion is owed internally. As a result of the chronic budget deficit, the Government has been unable to pay the salaries of civil servants, provide basic social services and at the same time meet its external debt obligations.

16. The social situation in the country also continues to be a very serious concern. Some 20,000 state employees, 80 per cent of whom reside in Bangui, have not been paid in over six months. School grants and retirement benefits have not been disbursed for over one year. Schools have remained closed owing to teachers' strikes or lack of school equipment. Medicine and medical equipment are in short supply. Following the destruction of major factories during the mutinies, the unemployment rate has doubled in Bangui. Delinquency

in the capital is rampant. According to a study conducted by the Government and UNDP in 1996, 65 per cent of adults lived below the poverty threshold (annual income of less than $100 per year), and only 42 per cent of the population had access to potable water, while 75 per cent of children between the ages of 2 and 12 suffered from malnutrition.

17. Failure to fulfil its obligations to the Bretton Woods institutions has caught the Central African Republic in a vicious circle, in which direly needed assistance from those institutions has been suspended along with assistance from other donors who condition their support on the conclusion of agreements with the Bretton Woods institutions. The International Monetary Fund and the World Bank will dispatch missions to the Central African Republic in early February 1998; the Bank to review the country's economic and financial situation, discuss the 1998 budget and financing needs, and examine the scope and feasibility of external budget support; and the Fund to negotiate the modalities of a structural adjustment programme with the Government.

18. Unless stringent and rapid measures are taken towards the financial and economic recovery of the country, the harsh living conditions in Bangui are likely to breed further political and social tensions and unrest, with serious implications for the stability of the whole country. It is equally clear that the success of economic programmes depends on the maintenance of peace and stability in the Central African Republic.

C. Security aspects

19. While MISAB has succeeded in creating relative calm and a sense of security in Bangui, the overall security situation nonetheless remains a cause for serious concern. Banditry and armed robbery is a major problem in the interior of the country and in certain sectors of the capital. While the continuing disarmament exercise can be regarded as largely successful, significant quantities of light weapons remain in circulation in some areas of the country or could easily be acquired across its porous borders.

20. The national security apparatus of the Central African Republic has been severely weakened. The official strength of the Central African armed forces stands at 3,500, but its command structure has disintegrated as a result of the mutinies, and it lacks vehicles, communication equipment and other essential assets. Only the Presidential Guard, which has been reinforced, is currently operational. Its strength has reportedly reached several hundred well-equipped personnel. Many opposition parties are apprehensive of the role that force might play in case of political upheaval. The national Gendarmerie, with a strength of approximately 1,500 officers, has maintained a presence throughout the country, and its structure has remained generally intact. However, its extremely limited operational capacity seriously undermines its effectiveness in maintaining law and order. The police force, deployed throughout the country, stands at about 1,900 officers, but it also lacks the necessary resources and currently operates unarmed.

21. Pursuant to the Bangui Agreements, on 8 December 1997 President Patassé launched the process of restructuring the Central African armed forces, and a

special national commission has been established to address this important issue. As indicated by the President, the general guidelines for this process should be the creation of a national, republican and multi-ethnic army, which will also participate in the economic development of the country and whose size and activities would be in line with national budgetary capacity. For the peace process to succeed, this welcome initiative needs to be actively pursued. While the main responsibility for these far-reaching reforms belongs to the Government, international assistance would also be essential, and I hope that potential donors would lend their support to this important endeavour.

22. In the meantime, the regional security situation also remains precarious, as many countries bordering the Central African Republic have suffered from serious social and political instability. As a consequence, the Central African Republic has received thousands of refugees in recent years, and has a current caseload of some 45,000 persons from neighbouring countries and from the Great Lakes region. As the security of the Central African Republic and that of the other countries of the subregion is clearly interdependent, any sudden deterioration of the situation in the Central African Republic could have very serious regional consequences.

III. OBSERVATIONS AND RECOMMENDATIONS

23. Since the signing of the Bangui Agreements in January 1997, peace and security have been gradually restored to Bangui. While due credit has to be given to the people and Government of the Central African Republic for implementing several main provisions of the Bangui Agreements, this positive development is also largely due to the active mediating role played by African countries, in particular by members of the International Monitoring Committee and to the commendable role of the MISAB force, with the logistical and other support of France and UNDP.

24. The progress achieved so far in improving the overall situation of the country is undeniable, but it is far from irreversible. For national reconciliation to take root, and in order to restore lasting peace and stability in the country, it is essential that the outstanding provisions of the Bangui Agreements be implemented expeditiously. It is also essential that substantial reforms be undertaken to revitalize the country's economy and to improve the living conditions of the population. Regrettably, both elements have been elusive despite the efforts of the International Monitoring Committee and the encouragement of the international community. Bold and far-reaching measures have therefore to be taken without further delay to redress the current situation in the Central African Republic.

25. In his 1998 new year message to the nation, President Patassé stated that he believed that 1998 would be marked by national reconciliation, strengthening of democracy and economic revival. He indicated that the Government would put a revised electoral code before the Parliament and then announce the dates for municipal and parliamentary elections. He underlines that one of the main priorities for the coming year was to re-establish contact with the Bretton Woods institutions, with a view to reaching agreement on a structural adjustment programme.

26. In the course of extensive discussions held in Bangui by my Personal Envoy, President Patassé reiterated the determination of his Administration to pursue the above goals. This determination was confirmed in the letter that the President addressed to me on 8 January 1998, the full text of which is attached to the present report (see annex). The letter contains significant undertakings regarding the full implementation of the Bangui Agreements and important political and economic reforms. While some of the commitments made by President Patassé could have been even more specific, the letter can be considered a decisive step in the right direction.

27. In his letter, President Patassé also stated his belief that it would be essential for the United Nations to ensure that a credible peacekeeping force was maintained in the Central African Republic. That position is strongly supported by the International Monitoring Committee and the States of the region. In view of the ineffectiveness of the national security forces in the Central African Republic, MISAB has become an indispensable force for the maintenance of security and stability in Bangui and in the country in general. The withdrawal of MISAB, which is almost fully dependent on the logistical and financial support of France and relies on the availability of French operational back-up, would result in a situation that could destabilize the fragile peace process in the country, with serious consequences for the humanitarian situation and international peace and stability in the subregion.

28. Fully aware of the above, the Member States participating in MISAB are willing to continue to assist the Central African Republic in consolidating the peace. However, they would not have the capacity to do so alone, as France is preparing to withdraw all its troops, currently totalling more than 1,400, and consequently its logistical support for MISAB by mid-April 1998. The continuation of active international assistance to the Central African Republic would therefore be vital after the expiration of the MISAB mandate on 6 February. Such a presence would be important as a major preventive measure aimed at allowing stability to take root in the Central African Republic and thus avoiding any further upheaval in an already fragile subregion.

29. Since MISAB would not be able to maintain its presence in Bangui without adequate financial and logistical support, the only viable option for the maintenance of stability in the Central African Republic appears to be the establishment and deployment of another peacekeeping operation authorized by the international community.

30. Should the Security Council decide to consider the establishment of a United Nations peacekeeping operation, its structure and military role would be similar to that of MISAB. The primary purpose would be to maintain stability in Bangui so that the peace process could continue to move forward. Through its presence throughout the city and regular patrolling, a United Nations stabilization force would seek to maintain the security established by MISAB and to create an environment conducive to the holding of free and fair legislative elections scheduled to be held in August/September 1998. The mission would also assure the security of United Nations personnel and property. Furthermore, the mission would assist, through a modest programme, in building the capacity of the Central African police and Gendarmerie, in particular through the training of trainers, and could provide some technical advice and assistance in preparing

for the elections. The mission would be of a limited duration and should be completed two or three months after the legislative elections.

31. In addition to its military role, the United Nations mission would provide political guidance and support to other United Nations activities in the country. It would cooperate with other international partners with the objective of supporting all activities aimed at laying a foundation for lasting peace. The mission would facilitate the provision of technical assistance and support by the United Nations system for national reconciliation efforts and the rehabilitation and effective functioning of accountable and democratic institutions, including assistance and advice on constitutional and human rights issues. In addition, close collaboration with the UNDP, international financial institutions and bilateral donors is essential in promoting an integrated approach to post-conflict peace-building in the Central African Republic. The United Nations mission would also assist in mobilizing international assistance for the country. For this purpose, a special United Nations Trust Fund for the Central African Republic could be established.

32. Regarding the organizational structure of the mission, I would envisage the appointment of a Special Representative to head the mission, who would be supported by a small number of civilian officers. To ensure optimal coordination within the United Nations system, the United Nations Resident Coordinator/UNDP Resident Representative could serve as director of the office of my Special Representative. In view of the proposed tasks outlined in paragraph 30 above and the need to maintain an adequate level of logistical support to the United Nations force, approximately 1,400 troops would be required to fulfil the military tasks. The rapid establishment and success of the operation would be greatly facilitated if countries currently providing troops or logistical support to MISAB would consider continuing their participation under the auspices of the United Nations.

33. Obviously, the establishment of a new operation must be accompanied by the determined effort to implement the commitments listed in President Patassé's letter dated 8 January 1998. In the meantime, I recommend that the Security Council consider extending the present authorization provided for MISAB under its resolution 1136 (1997) for a short period, until 15 March 1998. At the same time, I would like to recommend that the Council express its readiness, in principle, to establish a United Nations peacekeeping operation in the Central African Republic, on the basis of a more detailed concept of operations that I intend to submit to the Council in early March in the light of the progress made by the Central African Republic in fulfilling the commitments expressed in the letter addressed to me by President Patassé.

34. In conclusion, I would like to express my appreciation, which is no doubt shared by the Security Council, to the International Monitoring Committee, the Member States participating in MISAB and UNDP and other United Nations programmes and agencies operating in the Cental African Republic as well as to all Member States concerned for their determined efforts to bring lasting peace, stability and national reconciliation to this conflict-torn country.

Annex

[Original: French]

Letter dated 8 January 1998 from the President of the Central African Republic addressed to the Secretary-General

As we begin a new year and on the eve of important events for my country, I should like to express my deep gratitude and that of the Central African people for the important assistance which the United Nations has provided in restoring peace to the Central African Republic after the crisis which our young democracy has experienced during the past two years.

The various missions you have sent to Bangui also bear witness to the interest of the United Nations in consolidating peace and stability in the Central African Republic.

The quality of the work done in the field each day by the United Nations system in general and by the office of the United Nations Development Programme in particular reflects a model of cooperation that has fully met the expectations of the Central African people.

As you know, the mediation of my brothers and counterparts in Gabon, Burkina Faso, Mali and Chad and the efforts made by the Central African Government have led to considerable progress in restoring security and harmony.

By this patriotic undertaking - the Bangui Agreements - all the parties involved in the crisis have committed themselves to the noble task of restoring peace. It is on the implementation of these Agreements in accordance with the provisions of article 2 of the Preliminary Agreement on a National Reconciliation Pact (see appendix I) that the likelihood of a lasting national reconciliation, one that will unite Central African men and women in a vision of the future for our nation, depends. However, the gains made thus far must be consolidated.

Various events that have taken place during the restoration of peace have not yet resulted in the implementation of certain key provisions of the Agreements of 25 January 1997, despite the commendable efforts of the International Monitoring Committee under the leadership of President Amadou Toumani Touré, that worthy son of Africa who has managed to win the confidence of all the parties.

Several of the tasks included in the timetable agreed with the International Monitoring Committee have been completed (more than 84 per cent), to the satisfaction of all, as shown in the schematic table (see appendix II).

The task relating to the recommendations of the General Meeting on National Defence has been entrusted to a committee responsible for drawing up a plan for the restructuring of the Central African armed forces in their entirety as well as the National Gendarmerie and the Central African Police Force.

This committee, which is chaired by the Minister of Defence, has been placed under the supervision of the Chairman of the International Monitoring Committee, General Amadou Toumani Touré.

I have asked the committee to submit the restructuring plan by the end of January 1998 so that it can be implemented as quickly as possible.

The Presidential Guard, the Survey, Research and Documentation Section and the National Research and Investigation Centre will all be affected by this vast restructuring, since most of the members of these bodies come from the Central African armed forces, the Gendarmerie, the Central African Police Force and the Republican Guard.

In the guidelines which I gave to the committee I also stressed the urgent need to build a pluri-ethnic national republican army capable of assisting in the national development effort, taking into account also the country's budgetary capacity. We want an army that will not only defend our territory but also participate in development and thus be productive.

The imminent launching of the demobilization project and the reintegration of the Central African armed forces will also serve to implement other major recommendations of the General Meeting on National Defence.

With regard to the abandonment of judicial enforcement of the report of the Parliamentary Investigation and Audit Commission, I had decided on 31 December 1996, as a gesture of appeasement, to suspend all judicial proceedings occasioned by the conclusions of the report. To date no proceedings have been instituted.

The Government brought a bill on the matter before the National Assembly in October 1997. In keeping with the principle of separation of the powers governing the State, the members of Parliament rejected the bill. We are actively seeking all possible ways out of this institutional impasse. However, I remain determined to stand by my decision of 31 December 1996.

As for the National Reconciliation Conference to be held in Bangui from 10 to 14 February 1998, preparatory meetings are currently taking place throughout the country to ensure the broadest possible participation of the population in the conference.

In addition, in view of the forthcoming elections (municipal, legislative and presidential), a national commission composed of representatives of all political groups and civil society has drafted a new electoral code.

This draft was reviewed by the Council of Ministers and is to be submitted to the National Assembly at its next session, to be held in March 1998. Once the electoral code is adopted and an independent joint electoral commission is established, it will be possible to draw up a timetable for the legislative and municipal elections scheduled for August or September 1998. Passage by the National Assembly of the bill establishing a high-level broadcasting council will make it easier for political parties to express themselves freely in the public and private media.

I hereby invite the United Nations and the international community to supervise the legislative and presidential elections when they are held.

However, these tasks do not constitute everything that was required under the Bangui Agreements, whose strategic thrust is aimed above all at transforming the socio-political system thoroughly and improving the living conditions of the population, as the only means of guaranteeing a genuine and lasting peace.

To this end I have instructed the Government of Action in Defence of Democracy to take immediate and vigorous measures to increase State revenues so that the country can honour its obligations, both internal (salaries, pensions, scholarships and the operation of basic social services) and external (chiefly in respect of the Bretton Woods institutions).

These immediate measures, which will be complemented by the adoption of a structural reform programme (rehabilitation and restructuring of financial systems, privatization of public enterprises in the energy, telecommunications and banking sectors, and control and operation of entities for the exploitation of natural resources), will create a climate conducive to the prompt resumption of negotiations with the Bretton Woods institutions with a view to concluding a structural adjustment agreement during the first quarter of 1998.

To ensure the implementation of all these measures aimed at consolidating peace, strengthening security and ensuring the country's economic and social recovery, the Central African Republic must continue to enjoy the active and committed support of the international community.

It is essential, then, that the United Nations ensure that a credible peacekeeping force is maintained in the country, at least until presidential elections are held, so that the measures set out above can be effectively implemented.

I am therefore asking you to approach the Security Council promptly to convince it that this request, which is supported by all groups in the country, is justified. The Government has in fact just established a trust fund for national security and peacekeeping.

(Signed) Ange-Félix PATASSÉ

Appendix I

[Original: French]

Article 2 of the Preliminary Agreement on a National Reconciliation Pact

Article 2

"We approve all the provisions of the conclusions stemming from the work of the Committee on Consensus-building and Dialogue, and we undertake to enforce them.

"Consequently, we call on the government authorities to approve them and put them into practice in accordance with the provisions of the Constitution."

Appendix II

An overview of the Bangui Agreements in table form

I. Political and institutional measures

Measure	Comments
1. Voting timetable, revision of the electoral code	In progress: A bill revising the electoral code has been prepared with the assistance of all political parties and civil society.
2. Formation of a Government of national unity	Completed: Formed in February 1997, the Government of Action in Defence of Democracy includes representatives of opposition political parties.
3. Granting of pension to former heads of State	Done: Act No. 97.012 of 31 October 1997 grants a pension and benefits to former Presidents of the Republic.
4. Suspension of the judicial enforcement of the parliamentary audit	Completed by the Government but rejected by the National Assembly. A study is being conducted to implement this recommendation.
5. Establishment of a high-level broadcasting council	In progress: A bill has been drafted by the Government and will be submitted to the National Assembly at its next regular session, in March 1998.
6. General amnesty	Done: The Amnesty Act pardoned violations relating to the rebellion and the misappropriation of public funds under investigation. See Act No. 97.002 of 15 March 1997.
7. (a) General Meeting on National Defence (b) General Meeting on Youth	In progress

Measure	Comments
8. Modification of the Code of Criminal Procedure	Under study
9. Procedures for appointment to the University of Bangui	In progress: The Government has begun work on a draft decree.
10. Streamlining of the Office of the President of the Republic	In progress: A draft decree on the organization and functioning of the Office of the President of the Republic has been prepared. The draft covers several offices in nine divisions.
11. Revision of certain articles of the Constitution	See constitutional procedure
12. Implementation of the Political Agreement Protocol and the Minimum Standards Programme	In progress
13. Respect for the Constitution, constitutional legality and the institutions, laws and regulations of the Republic Respect for democratic principles and human rights	Done: The Government has established the Ministry of Human Rights, National Reconciliation and Democratic Culture.

II. National reconciliation measures

Measure	Comments
14. (a) National reconciliation (b) Evaluation of the damage caused by the various crises (c) Compensation of the victims	In progress: Claims for compensation are being processed by the International Monitoring Committee and the Ministry of Human Rights, National Reconciliation and Democratic Culture.
15. Holding of a National Reconciliation Conference	In progress: Decree No. 97.223 of 8 October 1997 establishing the preparatory Committee for the National Reconciliation Conference.
16. Management based on the principles of good governance	In progress: A seminar on good governance is being prepared.
17. Reintegration of rebel soldiers in the Central African armed forces with honour	Done

/...

III. Social and security measures

Measure	Comments
18. (a) Conditions of security and confidence in schools (b) Payment of back salaries, scholarships and pensions (c) Revision of the 1996/97 school calendar	Done: End-of-year examinations were held without incident throughout the country; back salaries, scholarships and pensions are gradually being repaid.
19. Resumption of short-wave broadcasts by Radio-Centrafrique	Done
20. Negotiation of a social contract with trade unions	Ongoing dialogue
21. (a) Immediate cessation of the rebellious action (b) Regrouping of dissident forces scattered throughout the country (c) Participation of the Central African armed forces and the Groupement opérationnel du maintien de l'ordre in field operations of the French forces	Done: The Government of Action in Defence of Democracy includes representatives of the rebel soldiers; there are also representatives of the rebels in the military hierarchy.
22. Return of weapons with assistance from MISAB	In progress: According to published statistics, this operation has been a success: 92 per cent of heavy weapons and 55 per cent of light weapons have been returned.

Measure	Comments
23. (a) Appeal to the country's development partners for renewed assistance (b) Appeal to African heads of State involved in mediation to set up a mechanism for monitoring the implementation of the outcome of the Committee on Consensus-building and Dialogue	Done: Unanimous adoption of Security Council resolutions 1125 (1997) and 1136 (1997); Resumption of dialogue with the Bretton Woods institutions.
24. Title of the Preliminary Agreement on a National Reconciliation Pact	Done: Also known as the Bangui Agreements
25. Status of the Committee on Consensus-building and Dialogue	Permanent

Notes: 1. Of 25 recommendations, 13 have been implemented (52 per cent), 8 are being implemented (32 per cent) and 4 have yet to be implemented (16 per cent). In all, 84 per cent of all recommendations have been implemented.

2. Of the 8 recommendations that precede the holding of the National Reconciliation Conference, 7 have been implemented (87 per cent) and 1 is under study. A committee of experts is to be established to consider organizational problems.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/62
26 January 1998

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered with appreciation the report of the Secretary-General of 12 January 1998 (S/1998/17),

Welcoming the timetable approved by the Joint Commission on 9 January 1998 (S/1998/56), according to which the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) agreed to complete the remaining tasks of the Lusaka Protocol (S/1994/1441, annex) by the end of February 1998,

Recognizing the important role of the United Nations Observer Mission in Angola (MONUA) at this critical stage of the peace process,

1. Stresses the urgent need for the Government of Angola and in particular UNITA to complete in accordance with the timetable approved by the Joint Commission on 9 January 1998 the implementation of their obligations under the Lusaka Protocol as well as to complete the implementation of their obligations under the "Acordos de Paz" (S/22609, annex) and relevant Security Council resolutions;

2. Decides to extend the mandate of MONUA, including the military task force as outlined in paragraphs 35 and 36 of the report of the Secretary-General of 12 January 1998, until 30 April 1998;

3. Requests the Secretary-General to submit no later than 13 March 1998 a comprehensive report, which would also incorporate the report requested in paragraph 7 of resolution 1135 (1997), on the situation in Angola, especially in regard to the implementation of the timetable approved by the Joint Commission, with recommendations regarding the possible reconfiguration before 30 April 1998

of the components of MONUA, referred to in section VII of the report of the Secretary-General of 12 January 1998, as well as preliminary recommendations regarding the United Nations presence in Angola after 30 April 1998;

4. Stresses the importance of strengthening the rule of law, including the full protection of all Angolan citizens throughout the national territory;

5. Requests the Government of Angola, in cooperation with MONUA, to take appropriate steps, including through its integrated National Police and Armed Forces, to ensure an environment of confidence and safety in which the United Nations and humanitarian personnel may carry out their activities;

6. Calls upon the Government of Angola and in particular UNITA to refrain from any action which might undermine the process of normalization of State administration or lead to renewed tensions;

7. Demands that the Government of Angola and in particular UNITA cooperate fully with MONUA, including by providing full access for its verification activities, and reiterates its call on the Government of Angola to notify MONUA in a timely manner of its troop movements, in accordance with the provisions of the Lusaka Protocol and established procedures;

8. Reaffirms its readiness to review the measures specified in paragraph 4 of resolution 1127 (1997) or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127 (1997) and on the basis of the report referred to in paragraph 3 above;

9. Reiterates its belief that a meeting between the President of the Republic of Angola and the leader of UNITA could facilitate the process of peace and national reconciliation;

10. Urges the international community to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, demining, the resettlement of displaced persons and the rehabilitation and reconstruction of the Angolan economy in order to consolidate the gains in the peace process;

11. Endorses the recommendation of the Secretary-General that his Special Representative continue to chair the Joint Commission, as established under the Lusaka Protocol, which has proved to be a vital mechanism for the advancement of the peace process;

12. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of MONUA for assisting the Government of Angola and UNITA to implement the peace process;

13. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/63
26 January 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 22 JANUARY 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolutions 1013 (1995) of 7 September 1995 and 1053 (1996) of 23 April 1996, in which the Council authorized the establishment of an International Commission of Inquiry with the mandate to collect information on the sale or supply of arms and related matériel to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1011 (1995) of 16 August 1995. I refer also to the third report of the International Commission of Inquiry annexed to my letter to the President of the Security Council dated 1 November 1996 (S/1997/1010).

In its report, the Commission indicates that it endeavoured to obtain information from certain Governments in order to bring its investigations to a successful conclusion. At the time of the preparation of the report in October 1996, several of the Governments concerned had not been in a position to reply to the Commission.

Since then, certain Governments have furnished additional information to the Commission. This information is contained in the present addendum (see annex), which also contains the conclusions of the Commission as to the manner in which it should proceed with its work if the Security Council decides to renew its mandate.

I should like to point out that if voluntary contributions are not made to the Commission's budget, as called for in paragraph 8 of Security Council resolution 1013 (1995), the Commission's work would continue to be financed by the Organization. Thus, if the Council decides to pursue its investigations, it will be necessary to appropriate the funds required under the Organization's regular budget.

(Signed) Kofi A. ANNAN

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Annex

[Original: English]

Addendum to the third report of the International Commission of Inquiry (Rwanda)

I. REPLIES RECEIVED FROM GOVERNMENTS IN RESPONSE TO REQUESTS FOR INFORMATION FROM THE COMMISSION

1. The third report of the International Commission of Inquiry (Rwanda), which was conveyed to the President of the Security Council in November 1996 (S/1997/1010, annex), contained the responses of a number of Governments to requests for information sought from them by the Commission. Since then, a number of other replies from Governments approached by the Commission have been received and are summarized below.

A. BELGIUM

2. In a letter dated 21 November 1996, in response to a letter from the Chairman of the International Commission dated 14 October 1996, the Permanent Representative of Belgium to the United Nations described an internal investigation conducted by his Government into allegations that had come to the notice of the Commission concerning a consignment of weapons apparently of Belgian origin. The Government of Belgium informed the Commission that it had found no indication that the weapons in question had been diverted for the use of the former Rwandese government forces.

B. CZECH REPUBLIC

3. On 10 September 1996, the Commission wrote to the Government of the Czech Republic to inquire about possible approaches to that country's arms industry that might have originated from the former Rwandese government forces. On 31 October 1996, the General Directorate of Customs of the Czech Republic replied that it had carried out an investigation into the export of weapons and munitions of a military and non-military character to the countries of Central Africa. The Licensing Department of the Ministry of Trade and Industry had issued 11 licences to date for the region in question, of which three pertained to the export of military matériel, while the rest related to non-military weapons such as hunting rifles. From the letter, it appears that none of the goods for which export licences were issued had been acquired or used by the former Rwandese government forces.

C. EGYPT

4. By a letter dated 4 November 1996, the Permanent Representative of Egypt to the United Nations replied to a letter dated 31 August from the Chairman of the Commission in connection with a report that two aircraft registered in Ukraine,

each alleged to be carrying 30 tons of weapons and ammunition, had landed in Egypt in June 1996 en route from Bulgaria to Kinshasa and that the arms could have been destined for the former Rwandese government forces in violation of the United Nations arms embargo.

5. The reply from the Permanent Representative stated:

> "I have been instructed by my Government to inform you that the incident referred to did not take place and that no registered flights from Bulgaria carrying weapons or ammunition en route to Zaire landed in Egypt during the period mentioned in the Chairman's letter.
>
> "I would appreciate it highly if the reply from the Government of Egypt could be reflected in your forthcoming report to the Security Council. May I also seize this opportunity to confirm Egypt's firm adherence to the United Nations resolutions relating to arms embargoes, whether in Rwanda or in any other area."

D. ITALY

6. On 25 November 1996, the Permanent Representative of Italy to the United Nations wrote to the Secretariat enclosing a reply from the competent Italian authorities to the letter dated 26 September from the Commission concerning the discovery of TS-50-type Italian-made anti-personnel mines in Rwanda. The Commission was informed that mines of that type had not been available to the former Rwandese government forces before the imposition of the arms embargo on 17 May 1994.

7. The Government of Italy's response stated:

> "The company referred to is Tecnovar Italiana Srl, which also deals with the manufacturing of other plastic items [and is] located in Modugno (Bari), via de Gigli 3. Its director ... confirmed that the company manufactured the plastic parts of the yellow TS-50-type anti-personnel mines in the period from 1980 to 1993, when the company stopped producing such items.
>
> "The inquiry revealed that the Tecnovar company did not supply type TS-50-type anti-personnel mines to Zaire, Kenya or the United Republic of Tanzania."

8. The Government's letter noted that between 1980 and 1993, when production ceased, the company had supplied plastic parts for TS-50 mines to Brazil, Egypt, Spain and the United States of America. The letter also explained the procedures followed to secure authorization from the Italian Defence General Staff to initiate negotiations concerning requests for military equipment made by foreign Governments or intermediaries and the modalities of purchase, including the issuance of the end-user certificate and authorization for final exportation.

9. By a note verbale dated 1 April 1997, the Permanent Representative of Italy to the United Nations informed the Commission that the Attorney-General's Office in Bari was undertaking preliminary criminal investigations into a possible violation of the regulations governing the exportation of arms in connection with the discovery of TS-50 anti-personnel mines in Rwanda by the International Commission. The Attorney-General's Office requested further information from the Commission.

10. On 7 May 1997, the Chairman of the Commission replied to the Government of Italy stating the circumstances under which the anti-personnel mines had been discovered (see also paras. 49-51 of the Commission's third report (S/1997/1010, annex)).

E. MALTA

11. As noted in paragraphs 57 to 59 of its third report, the International Commission wrote on 22 August 1996 to the Government of Malta in connection with the flight of an aircraft that had left Malta on 25 May 1994, apparently carrying a single passenger listed as "Bagosera, T.". The name is similar to that of Col. Théoneste Bagosora, who was implicated in the delivery of arms to the former Rwandese government forces in violation of the Security Council embargo. Col. Bagosora, the former Director of the Office of the Rwandese Minister of Defence from 1992 to 1994, is now in the custody of the International Criminal Tribunal for Rwanda accused of genocide and crimes against humanity. The reply of the Government of Malta is referred to in paragraph 58 of the Commission's third report.

12. In response to a request for further information sent by the Commission on 4 October 1996, the Deputy Prime Minister and Minister for Foreign Affairs and the Environment of Malta, by a letter dated 6 December 1996, informed the Commission that the Maltese authorities had investigated the issues raised by the Commission. No immigration records had been found to indicate that a person called T. Bagosera had entered or left Malta at the time in question. The identities of the one passenger and the four crew members of the aircraft had been established and none bore that name. The aircraft was carrying 600 boxes of paper currency bound for Nigeria and it had been confirmed that the aircraft had indeed gone directly to Nigeria, where the cargo was unloaded. In support of this information, the Government of Malta made available to the Commission detailed documentation relating to the flight, including the arrival and departure cards of the crew members, the general declaration submitted to the Maltese immigration authorities, the general declaration prepared for the departure of the flight by Air Malta and other documents relating to the nature of the cargo and the identity of the passenger and crew.

13. The Deputy Prime Minister invited the Commission to extend its inquiries to Nigeria and Belgium to pursue the matter of the general declaration bearing the name "Bagosera, T.", since no such general declaration could be found in the records of the appropriate Maltese authorities and the date and destination on the copy of the general declaration in the possession of the Commission were inaccurate.

F. PORTUGAL

14. On 22 August 1996, the Chairman of the Commission wrote to the Government of Portugal requesting information on the origin of weapons inspected by the Commission in Rwanda. By a letter dated 30 September 1996, the Minister for Foreign Affairs of Portugal informed the Commission that the weapons in question, G-3 7.62 mm rifles, had not been produced in Portugal, did not belong to the Portuguese armed forces or security forces and were not listed in the files of the public security police.

G. SPAIN

15. By a note verbale dated 30 October 1996, the Permanent Mission of Spain to the United Nations responded to an inquiry made by the International Commission concerning the flight of a B-07 aircraft, registration number 5N-OCL, on 24 May 1994. The note, which was accompanied by copies of internal reports by airport officials, including cargo manifests, stated that the aircraft had flown on the date in question from Lanzarote to Madrid. According to the cargo manifest, the aircraft was carrying a consignment of tuna fish destined for Madrid and Tokyo. The Government of Spain further informed the Commission that no authorization had been found to have been given by the relevant Spanish authorities for the transportation of explosives on the flight in question on that date. The aircraft left Madrid for Malta at 11.29 p.m. There were no documents indicating that it was carrying cargo on that flight.

H. SWITZERLAND

16. In its second report to the Security Council, dated 14 March 1996 (S/1996/195, annex, paras. 35 and 36), the International Commission described its efforts to identify the holder of a bank account from which funds had been drawn to pay for arms the Commission believed had been supplied to the former Rwandese government forces in violation of the arms embargo.

17. According to the Government of Seychelles, which informed the Commission that it had sold the arms in question in the belief that they were destined for Zaire, the arms had been paid for by two payments totalling $330,000 into the account of the Central Bank of Seychelles in the Federal Reserve Bank of New York in mid-June 1994. The Commission subsequently established that the payments had come from a Geneva-based bank, the Union bancaire privée.

18. As described in paragraph 62 of its third report to the Security Council (S/1997/1010, annex), the Commission wrote to the Government of Switzerland in July 1996 requesting further information concerning the transaction.

19. In a letter dated 12 August 1997, the Attorney-General of Switzerland notified the International Commission that a preliminary investigation had been launched against persons unknown in connection with a possible violation of the law on war matériel. According to information provided to the Government of Switzerland by the Union bancaire privée, the two payments in question had come from bank account number 82113 CHEATA at the Lugano branch of the bank. The

account holder was identified as Mr. Willem Petrus Ehlers, a South African citizen.

20. As noted in the Commission's second report to the Security Council (S/1996/195, annex, paras. 21-29), Mr. Ehlers was instrumental in arranging the sale of the arms, which, in the Commission's belief, were subsequently delivered to the former Rwandese government forces in Gisenyi, Rwanda. In helping to arrange this transaction, Mr. Ehlers had worked closely with Col. Théoneste Bagosora and with another man the Commission has identified as Mr. Hunda Nzambo.

21. According to additional information provided by the Swiss authorities to the International Commission, Mr. Ehlers' bank account, number 82113 CHEATA, was credited with the sums of $592,784 and $734,099 on 14 and 16 June 1994, respectively. On 15 and 17 June 1994, the account was debited by $180,000 and $150,000, each payment being made to the Federal Reserve Bank of New York for the account of the Central Bank of Seychelles. According to a letter dated 30 October 1997 from the Attorney-General of Switzerland addressed to the Chairman of the International Commission, the order for the two payments made into the Ehlers account on 14 and 16 June 1994 came from the Banque nationale du Rwanda, Kigali. The source of the funds was listed as the Banque nationale de Paris, SA.

22. Also according to the bank statements, on 28 June 1994, the sum of $97,024 was transferred from account number 82113 CHEATA to the Kredietbank NV in Brussels for the account of "Mr. Nzambo Hunda".

23. On 13 November 1996, the Office of the Attorney-General of Switzerland confiscated the Union bancaire privée account and ordered the relevant bank statements to be handed over to it. The authorized signatory of the account was interrogated and house searches were conducted in the canton where he lived.

24. In addition to making available to the International Commission copies of the bank statements, the Swiss authorities also provided it with copies of letters detailing the Union bancaire privée's efforts to secure from Mr. Ehlers contracts and bills of lading to support his contention that the transaction in question concerned the purchase of a consignment of fresh fish.

25. Mr. Ehlers in turn promised to secure the necessary documents from the Government of Seychelles and promised the Union bancaire privée in a letter dated 4 November 1996 that the documents would be sent to the bank on 8 November under the signature of President France Albert René of the Republic of Seychelles.

26. On 12 November 1996, Mr. Glenny M. Savy, Executive Chairman of the Islands Development Company, Seychelles, wrote to the manager of the Union bancaire privée to confirm that the Government of Seychelles had sold to the Government of Zaire "a consignment of goods" in June 1994, in a sale brokered by Mr. Ehlers. Mr. Savy also confirmed having been paid by bank transfers made by Mr. Ehlers to the Government of Seychelles, through the Federal Reserve Bank of New York, by two payments totalling $330,000 and a further amount of $40,000 on

the account of COI at the Banca Nazionale del Lavoro in Alessandria, Italy. Mr. Savy's letter does not identify the nature of the goods sold.

27. The International Commission has supplied the Office of the Attorney-General, at the latter's request, with certain information at its disposal in order to assist the Attorney-General in her inquiries.

I. UNITED KINGDOM

28. By a letter dated 14 November 1996, the United Kingdom Customs and Excise replied to the Commission's request of 12 September 1996 requesting information about a possible violation of the arms embargo. The letter noted that Her Majesty's Customs had no record of receiving the Commission's earlier letters dated 30 November and 18 December 1995. As noted in its first report to the Security Council (S/1996/67, annex), the Commission had met with Her Majesty's Customs investigators in London in January 1996 and had been supplied with the information it requested.

29. In its letter of 14 November, Her Majesty's Customs provided the Commission with information on an apparently unusual flight chartered by a British company involving an arms flight to Kinshasa in 1994.

30. As described in its third report, the Commission requested technical assistance from the British Ministry of Defence in identifying weapons that, the Commission had been informed, had been found in the possession of Rwandan insurgents linked to the former Rwandese government forces. The assistance was provided by the Ministry of Defence Pattern Room, which provided preliminary information as reported in the third report (S/1996/1010, para. 65).

31. The Pattern Room, in a letter dated 24 October 1996, subsequently provided further detailed technical information on the weapons inspected by the Commission. These included G.3 7.62 mm rifles, FN/FAL 7.62 mm rifles, SG 542 7.62 mm rifles, 7.62 mm GPMG (MAG.58) machine-guns, .75 mm recoilless rifles and R-4 5.56 mm rifles. Although the Pattern Room provided a great deal of helpful background information, its officials stressed that a detailed examination of the arms, including internal parts, would be essential if positive statements of identification were required.

J. ZAMBIA

32. In a note verbale dated 3 December 1996, the Government of Zambia responded to an inquiry dated 16 October 1996 from the International Commission concerning allegations that several deliveries of arms and matériel had been made from the port of Mpulungu on Lake Tanganyika in February, March and May 1996. The Government categorically denied any involvement in the planning, acquisition, delivery or distribution of arms and ammunition or of any other war-like material to the former Rwandese government forces or any forces in the Great Lakes region.

33. In its note, the Government of Zambia said it was not aware of the arms shipments alleged to have been transported from Mpulungu to Goma and Bukavu, Zaire, between February and May 1996. The Government pledged full cooperation and proposed that a United Nations-sponsored joint investigation team comprising members of the International Commission of Inquiry and Zambia be instituted to investigate the allegations and establish the truth.

K. INTERNATIONAL CIVIL AVIATION ORGANIZATION

34. By a letter dated 23 September 1996, which was received only on 5 December 1996, the International Civil Aviation Organization (ICAO) replied to the Commission's request for information, dated 22 August 1996, regarding the Nigerian-registered B-707 aircraft referred to in paragraph 15 above. ICAO provided the Commission with the addresses of the civil aviation authorities in Spain and Malta that would be able to furnish further information about the flight details.

II. CONTACTS WITH OTHER GOVERNMENTS

A. RWANDA

35. In late November 1996, Banyamulenge forces in former eastern Zaire attacked and seized Mugunga camp, which had been occupied by elements of the former Rwandese government forces. According to press reports that appeared at the time, the attackers found a large quantity of documents in the camp, many of which were said to relate to the rearming, training and military plans being drawn up by the former Rwandese government forces. The Commission understood that the Government of Rwanda had then taken possession of the documents.

36. Accordingly, on 21 November 1996, the Chairman of the Commission wrote to the Government of Rwanda explaining that the Commission had suspended operations pending a decision by the Security Council on its future activities. Should the Council decide to request the Commission to continue its investigations, the Commission would be grateful for an opportunity to examine the documents in order to supplement the inquiries it had made so far, with a view to reporting further to the Security Council if required. No reply has been received from the Government of Rwanda.

B. SOUTH AFRICA

37. When in South Africa in September 1996, members of the International Commission established contact with the Cameron Commission, which is investigating the illegal transfer of firearms from South Africa to other African countries, including the Great Lakes region, and received valuable information from it.

38. While making it clear that its mandate covers the illegal supply of arms and matériel to the former Rwandese government forces and not necessarily alleged violations of any country's domestic law, the International Commission

has in turn assisted the Cameron Commission in its inquiries by providing it with information at its request.

III. CONCLUSIONS

39. The replies from Governments and from ICAO to requests for information from the International Commission of Inquiry indicate the seriousness with which the Governments concerned have addressed reports relating to the possible violation of the Security Council arms embargo against the former Rwandese armed forces. In many cases, the Governments concerned have launched thorough investigations into reports that their nationals may have been involved in or their territory used in the course of an alleged violation of the embargo and have provided the Commission with detailed accounts of the results. Some Governments have also offered expert technical advice. The International Commission of Inquiry would like to express its deep appreciation for the assistance rendered and the information provided to it in the course of its inquiries by the Governments it has approached.

40. Some of the information provided would appear to open up fresh lines of inquiry. In particular, the Commission would welcome the cooperation of the Governments of the United Kingdom and Rwanda in arranging a physical inspection of the weapons captured on Iwawa Island, Rwanda, by the Government of Rwanda in November 1995 by officials of the United Kingdom Ministry of Defence in order to establish the origin of the weapons. Furthermore, the Commission would look forward to cooperating with the Government of Zambia in an investigation of the report described in paragraph 32 above. The documents seized at the Mugunga refugee camp in former eastern Zaire in November 1996, which reportedly name companies apparently dealing with the former Rwandese government forces, would also be of interest to the Commission.

41. Moreover, the inquiry conducted by the Government of Switzerland has revealed information of particular interest and importance concerning the arms sale that took place in Seychelles in June 1994. As stated in the Commission's second report to the Security Council of March 1996 (S/1996/195, annex, para. 69), those weapons were flown to Goma, Zaire, in two consignments of about 40 tons each by an Air Zaire DC-8 cargo aircraft with the registration number 9QCLV. The Commission concluded that it was highly probable that the weapons were thereafter transferred to the former Rwandese government forces then in Gisenyi, Rwanda. The delivery would thus have constituted a violation of the embargo.

42. In its second report, the Commission described the involvement in that arms transaction of Col. Théoneste Bagosora, now awaiting trial before the International Criminal Tribunal for Rwanda on charges arising from the genocide of 1994, and of Mr. Willem Petrus Ehlers, a South African citizen.

43. On the basis of the information it has since received, and in cooperation with the Governments of Switzerland, South Africa and others as necessary, the Commission would intend to investigate further the precise role or roles played by Mr. Ehlers in the Seychelles arms transaction in June 1994 and the source of the funds used to finance that transaction.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/64
26 January 1998

ORIGINAL: ENGLISH

NOTE VERBALE DATED 13 JANUARY 1998 FROM THE PERMANENT MISSION OF THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to Security Council resolution 1132 (1997) of 8 October 1997, has the honour to inform the Secretary-General of the measures taken by the Government of the Republic of Korea to implement paragraphs 5 and 6 of the resolution.

1. In accordance with paragraph 5 of the resolution, the list of persons designated by the Committee of the Security Council established by paragraph 10 of the resolution has been distributed to all ports of entry in Korea. Visas for entry or transit will not be issued to the persons listed.

2. In accordance with paragraph 6 of the resolution, the Notice List of Special Trade Restrictions of the Ministry of Trade, Industry and Energy has been amended to prohibit the export to Sierra Leone of petroleum, petroleum products, arms and related materials of all types. Accordingly, the sale or supply of the above-mentioned products to Sierra Leone will be prevented and the export of other dual-use products to Sierra Leone will be subject to the approval of the Government of the Republic of Korea.

98-01497 (E) 260198

UNITED
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Security Council

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GENERAL

S/1998/65
26 January 1998

ORIGINAL: ENGLISH

NOTE VERBALE DATED 19 JANUARY 1998 FROM THE PERMANENT REPRESENTATIVE OF LIECHTENSTEIN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Principality of Liechtenstein to the United Nations presents her compliments to the Secretary-General of the United Nations and has the honour, with reference to resolution 1132 (1997) adopted by the Security Council on 8 October 1997, to inform him that the steps necessary for the implementation of the relevant provisions of the said resolution in Liechtenstein have been taken. The relevant legislation entered into force on 16 December 1997 and became effective immediately.

98-01503 (E) 260198

UNITED
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Security Council

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GENERAL

S/1998/66
26 January 1998

ORIGINAL: ENGLISH

NOTE VERBALE DATED 19 JANUARY 1998 FROM THE PERMANENT MISSION OF AUSTRALIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Australia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him, with reference to his note of 16 October 1997 regarding the sanctions imposed on Sierra Leone, that the implementation of paragraphs 5 and 6 of Security Council resolution 1132 (1997) into Australian Domestic Law was achieved by drafting regulations under the Migration Act, the Customs Act and the Charter of the United Nations Act. Regulations to this end were approved by the Federal Executive Council on 18 December and came into effect upon Gazettal on 24 December 1997.

98-01509 (E) 260198

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UNITED
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Security Council

Distr.
GENERAL

S/1998/67
26 January 1998
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 25 JANUARY 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States aircraft continued between 17 and 21 January 1998 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

Your intervention is requested with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-01563 (E) 260198 260198

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Annex

Violations of Iraq's airspace and damage caused, 17-21 January 1998

1. In the northern region 66 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Zakho, Irbil, Tall Afar, Baibo and Rawanduz.

2. In the southern region 390 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Nasiriyah, Samawah, Artawi, Ushbayjah, Jalibah, Salman, Busayyah, Qurnah, Chabaish, Shinafiyah, Kut, Rumaythah, Habbariyah, Rahhaliyah, Basrah, Hayy, Shatrah, Amarah, Lasaf, Hamzah, Diwaniyah, Rifa'i, Nukhayb, Qal'at Salih, Maymunah, Taqtaqanah and Ali al-Sharqi.

3. Four violations were committed by TR-1 reconnaissance aircraft flying at altitudes of 20,000 metres and at speeds of 600 kilometres per hour.

4. At 1200, 1625 and 1632 hours on 16 January 1998 United States aircraft violated Iraqi airspace in the Umm Qasr area.

5. At 1325 and 1448 hours on 17 January 1998 United States aircraft violated Iraqi airspace in the Umm Qasr area.

UNITED
NATIONS

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Security Council

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GENERAL

S/1998/68
26 January 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 26 JANUARY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB EMIRATES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, and in the light of the fact that the Islamic Republic of Iran continues to occupy, in defiance of the law, three islands belonging to the United Arab Emirates, namely, Greater Tunb, Lesser Tunb and Abu Musa, applying a policy of fait accompli and taking many arbitrary and illegal measures to annex these islands by force, I should like to request the Security Council to retain item 10 of the summary statement by the Secretary-General on matters of which the Security Council is seized (S/1998/44). That item, entitled "Letter dated 3 December 1971 from the Permanent Representatives of Algeria, the Libyan Arab Jamahiriya, the People's Democratic Republic of Yemen and Iraq to the United Nations addressed to the President of the Security Council (S/10409)", deals with the problem of the occupation of the aforementioned islands, which belong to the United Arab Emirates, by the Islamic Republic of Iran. The Government of the United Arab Emirates also requests the Security Council to remain seized of the matter until the Islamic Republic of Iran ends its illegal occupation of Greater Tunb, Lesser Tunb and Abu Musa and allows the United Arab Emirates to regain its sovereignty and resume effective control over those islands.

The Government of the United Arab Emirates takes this opportunity to reiterate its commitment to security and stability in the Arab Gulf and its determination to implement the provisions of the Charter of the United Nations and the principles of international law.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative

98-01569 (E) 260198 260198

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/53/61
S/1998/69
27 January 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
MAINTENANCE OF INTERNATIONAL
SECURITY - PREVENTION OF THE
VIOLENT DISINTEGRATION OF STATES

SECURITY COUNCIL
Fifty-third year

Letter dated 20 January 1998 from the Permanent Representatives of Estonia, Latvia, Lithuania and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to transmit the text of a Charter of Partnership among the United States of America and the Republic of Estonia, Republic of Latvia and Republic of Lithuania, signed by Mr. William Clinton, President of the United States of America, Mr. Lennart Meri, President of the Republic of Estonia, Mr. Guntis Ulmanis, President of the Republic of Latvia, and Mr. Algirdas Brazauskas, President of the Republic of Lithuania, in Washington, D.C., on 16 January 1998 (see annex).

We should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly and of the Security Council.

(Signed) Trivimi VELLISTE
Ambassador
Permanent Representative of Estonia to the United Nations

(Signed) Janis PRIEDKALNS
Ambassador
Permanent Representative of Latvia to the United Nations

(Signed) Oskaras JUSYS
Ambassador
Permanent Representative of Lithuania to the United Nations

(Signed) Bill RICHARDSON
Ambassador
Permanent Representative of the United States of America
to the United Nations

Annex

[Original: English]

Charter of Partnership among the United States of America and the Republic of Estonia, Republic of Latvia and Republic of Lithuania, signed on 16 January 1998 at Washington, D.C.

Preamble

The United States of America, the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania, hereinafter referred to as Partners,

Sharing a common vision of a peaceful and increasingly integrated Europe, free of divisions, dedicated to democracy, the rule of law, free markets, and respect for the human rights and fundamental freedoms of all people;

Recognizing the historic opportunity to build a new Europe, in which each State is secure in its internationally recognized borders and respects the independence and territorial integrity of all members of the transatlantic community;

Determined to strengthen their bilateral relations as a contribution to building this new Europe, and to enhance the security of all States through the adaptation and enlargement of European and transatlantic institutions;

Committed to the full development of human potential within just and inclusive societies attentive to the promotion of harmonious and equitable relations among individuals belonging to diverse ethnic and religious groups;

Avowing a common interest in developing cooperative, mutually respectful relations with all other States in the region;

Recalling the friendly relations that have been continuously maintained between the United States of America and the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania since 1922;

Further recalling that the United States of America never recognized the forcible incorporation of Estonia, Latvia and Lithuania into the Union of Soviet Socialist Republics in 1940, but rather regards their statehood as uninterrupted since the establishment of their independence, a policy which the United States has restated continuously for five decades;

Celebrating the rich contributions that immigrants from Estonia, Latvia and Lithuania have made to the multi-ethnic culture of the United States of America, as well as the European heritage enjoyed by the United States as a beneficiary of the contributions of intellectuals, artists, and Hanseatic traders from the Baltic States to the development of Europe; praising the contributions of United States citizens to the liberation and rebuilding of Estonia, Latvia and Lithuania;

Affirm as a political commitment declared at the highest level, the following principles and procedures to guide their individual and joint efforts to achieve the goals of this Charter.

Principles of partnership

The United States of America has a real, profound, and enduring interest in the independence, sovereignty and territorial integrity, and security of Estonia, Latvia and Lithuania.

The United States of America warmly welcomes the success of Estonia, Latvia and Lithuania in regaining their freedom and resuming their rightful places in the community of nations.

The United States of America respects the sacrifices and hardships undertaken by the people of Estonia, Latvia and Lithuania to re-establish their independence. It encourages efforts by these States to continue to expand their political, economic, security and social ties with other nations as full members of the transatlantic community.

The Partners affirm their commitment to the rule of law as a foundation for a transatlantic community of free and democratic nations, and to the responsibility of all just societies to protect and respect the human rights and civil liberties of all individuals residing within their territories.

The Partners underscore their shared commitment to the principles and obligations contained in the Charter of the United Nations.

The Partners reaffirm their shared commitment to the purposes, principles, and provisions of the Helsinki Final Act and subsequent documents of the Organization for Security and Cooperation in Europe (OSCE), including the Charter of Paris and the documents adopted at the Lisbon OSCE Summit.

The Partners will observe in good faith their commitments to promote and respect the standards for human rights embodied in the above-mentioned OSCE documents and in the Universal Declaration of Human Rights. They will implement their legislation protecting such human rights fully and equitably.

The United States of America commends the measures taken by Estonia, Latvia and Lithuania to advance the integration of Europe by establishing close cooperative relations among themselves and with their neighbours, as well as their promotion of regional cooperation through their participation in forums such as the Baltic Assembly, Baltic Council of Ministers, and the Council of Baltic Sea States.

Viewing good-neighbourly relations as fundamental to overall security and stability in the transatlantic community, Estonia, Latvia and Lithuania reaffirm their determination to enhance further bilateral relations between themselves and with other neighbouring States.

The Partners will intensify their efforts to promote the security, prosperity and stability of the region. The Partners will draw on the points noted below in focusing their efforts to deepen the integration of the Baltic States into transatlantic and European institutions, promote cooperation in security and defence, and develop the economies of Estonia, Latvia and Lithuania.

A commitment to integration

As part of a common vision of a Europe whole and free, the Partners declare that their shared goal is the full integration of Estonia, Latvia and Lithuania into European and transatlantic political, economic, security, and defence institutions. Europe will not be fully secure unless Estonia, Latvia and Lithuania are each secure.

The Partners reaffirm their commitment to the principle, established in the Helsinki Final Act, repeated in the Budapest and Lisbon OSCE summit declarations, and also contained in the OSCE Code of Conduct on Politico-Military Aspects of Security, that the security of all States in the Euro-Atlantic community is indivisible.

The Partners further share a commitment to the core principle, also articulated in the OSCE Code of Conduct and reiterated in subsequent OSCE summit declarations, that each State has the inherent right to individual and collective self-defence as well as the right freely to choose its own security arrangements, including treaties of alliance.

The Partners support the vital role being played by a number of complementary institutions and bodies - including OSCE, the European Union, the West European Union, the North Atlantic Treaty Organization (NATO), the Euro-Atlantic Partnership Council, the Council of Europe, and the Council of Baltic Sea States - in achieving the partners' shared goal of an integrated, secure, and undivided Europe.

They believe that, irrespective of factors related to history or geography, such institutions should be open to all European democracies willing and able to shoulder the responsibilities and obligations of membership, as determined by those institutions.

The Partners welcome a strong and vibrant OSCE dedicated to promoting democratic institutions, human rights and fundamental freedoms. They strongly support OSCE's role as a mechanism to prevent, manage and resolve conflicts and crises.

Estonia, Latvia and Lithuania each reaffirm their goal to become full members of all European and transatlantic institutions, including the European Union and NATO.

The United States of America recalls its long-standing support for the enlargement of the European Union, affirming it as a core institution in the new

Europe and declaring that a stronger, larger, and outward-looking European Union will further security and prosperity for all of Europe.

The Partners believe that the enlargement of NATO will enhance the security of the United States, Canada, and all the countries in Europe, including those States not immediately invited to membership or not currently interested in membership.

The United States of America welcomes the aspirations and supports the efforts of Estonia, Latvia and Lithuania to join NATO. It affirms its view that NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance.

The United States of America reiterates its view that the enlargement of NATO is an ongoing process. It looks forward to future enlargements, and remains convinced that, not only will NATO's door remain open to new members, but that the first countries invited to membership will not be the last. No non-NATO country has a veto over Alliance decisions. The United States notes that the Alliance is prepared to strengthen its consultations with aspirant countries on the full range of issues related to possible NATO membership.

The Partners welcome the results of the Madrid Summit. They support the Alliance's commitment to an open-door policy and welcome the Alliance's recognition of the Baltic States as aspiring members of NATO. Estonia, Latvia and Lithuania pledge to deepen their close relations with the Alliance through the Euro-Atlantic Partnership Council, the Partnership for Peace, and the intensified dialogue process.

The Partners underscore their interest in Russia's democratic and stable development and support a strengthened NATO-Russia relationship as a core element of their shared vision of a new and peaceful Europe. They welcome the signing of the NATO-Russia Founding Act and the NATO-Ukraine Charter, both of which further improve European security.

Security cooperation

The Partners will consult together, as well as with other countries, in the event that a Partner perceives that its territorial integrity, independence, or security is threatened or at risk. The Partners will use bilateral and multilateral mechanisms for such consultations.

The United States welcomes and appreciates the contributions that Estonia, Latvia and Lithuania have already made to European security through the peaceful restoration of independence and their active participation in the Partnership for Peace. The United States also welcomes their contributions to the Implementation Force (IFOR), the Stabilization Force (SFOR), and other international peacekeeping missions.

Building on the existing cooperation among their respective ministries of defence and armed forces, the United States of America supports the efforts of Estonia, Latvia and Lithuania to provide for their legitimate defence needs, including development of appropriate and interoperable military forces.

The Partners welcome the establishment of the Baltic Security Assistance Group (BALTSEA) as an effective body for international coordination of security assistance to Estonia's, Latvia's, and Lithuania's defence forces.

The Partners will cooperate further in the development and expansion of defence initiatives, such as the Baltic Peacekeeping Battalion (BaltBat), the Baltic Squadron (Baltron), and the Baltic airspace management regime (BaltNet), which provide a tangible demonstration of practical cooperation enhancing the common security of Estonia, Latvia and Lithuania, and the transatlantic community.

The Partners intend to continue mutually beneficial military cooperation and will maintain regular consultations, using the established Bilateral Working Group on Defense and Military Relations.

Economic cooperation

The Partners affirm their commitment to free market mechanisms as the best means to meet the material needs of their people.

The United States of America commends the substantial progress its Baltic Partners have made to implement economic reform and development and their transition to free market economies.

Estonia, Latvia and Lithuania emphasize their intention to deepen their economic integration with Europe and the global economy, based on the principles of free movement of people, goods, capital and services.

Estonia, Latvia and Lithuania underscore their commitment to continue market-oriented economic reforms and to express their resolve to achieve full integration into global economic bodies, such as the World Trade Organization (WTO), while creating conditions for smoothly acceding to the European Union.

Noting this objective, the United States of America will work to facilitate the integration of Estonia, Latvia and Lithuania with the world economy and appropriate international economic organizations, in particular, WTO and the Organisation for Economic Cooperation and Development (OECD), on appropriate commercial terms.

The Partners will work individually and together to develop legal and financial conditions in their countries conducive to international investment. Estonia, Latvia and Lithuania welcome United States investment in their economies.

The Partners will continue to strive for mutually advantageous economic relations, building on the principles of equality and non-discrimination to create the conditions necessary for such cooperation.

The Partners will commence regular consultations to further cooperation and provide for regular assessment of progress in the areas of economic development, trade, investment, and related fields. These consultations will be chaired at the appropriately high level.

Recognizing that combating international organized crime requires a multilateral effort, the Partners agree to cooperate fully in the fight against this threat to the world economy and political stability. Estonia, Latvia and Lithuania remain committed to developing sound legislation in this field and to enhancing the implementation of this legislation through the strengthening of a fair and well-functioning judicial system.

The United States-Baltic relationship

In all of these spheres of common endeavour, the Partners, building on their shared history of friendship and cooperation, solemnly reaffirm their commitment to a rich and dynamic United States-Baltic partnership for the twenty-first century.

The Partners view their partnership in the areas of political, economic, security, defence, cultural, and environmental affairs as contributing to close ties between their people and facilitating the full integration of Estonia, Latvia and Lithuania into European and transatlantic structures.

In order to strengthen these ties further, the Partners will establish a Partnership Commission chaired at the appropriately high level to evaluate common efforts. This Commission will meet once a year, or as needed, to take stock of the Partnership, assess results of bilateral consultations on economic, military and other areas, and review progress achieved towards meeting the goals of this Charter.

In order better to reflect changes in the European and transatlantic political and security environment, signing Partners are committed regularly at the highest level to review this agreement.

For the United States of America:

For the Republic of Estonia:

For the Republic of Latvia:

For the Republic of Lithuania:

Washington, D.C. 16 January 1998

UNITED
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General Assembly
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GENERAL ASSEMBLY
Fifty-third session
COOPERATION BETWEEN THE UNITED NATIONS
AND THE ORGANIZATION FOR SECURITY
AND COOPERATION IN EUROPE

SECURITY COUNCIL
Fifty-third year

Letter dated 20 January 1998 from the Permanent Representatives of Estonia, Latvia, Lithuania and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to transmit the text of a Charter of Partnership among the United States of America and the Republic of Estonia, Republic of Latvia and Republic of Lithuania, signed by Mr. William Clinton, President of the United States of America, Mr. Lennart Meri, President of the Republic of Estonia, Mr. Guntis Ulmanis, President of the Republic of Latvia, and Mr. Algirdas Brazauskas, President of the Republic of Lithuania, in Washington, D.C., on 16 January 1998 (see annex).

We should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly and of the Security Council.

(Signed) Trivimi VELLISTE
Ambassador
Permanent Representative of Estonia to the United Nations

(Signed) Janis PRIEDKALNS
Ambassador
Permanent Representative of Latvia to the United Nations

(Signed) Oskaras JUSYS
Ambassador
Permanent Representative of Lithuania to the United Nations

(Signed) Bill RICHARDSON
Ambassador
Permanent Representative of the United States of America
to the United Nations

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* Reissued for technical reasons.

Annex

[Original: English]

Charter of Partnership among the United States of America and the Republic of Estonia, Republic of Latvia and Republic of Lithuania, signed on 16 January 1998 at Washington, D.C.

Preamble

The United States of America, the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania, hereinafter referred to as Partners,

Sharing a common vision of a peaceful and increasingly integrated Europe, free of divisions, dedicated to democracy, the rule of law, free markets, and respect for the human rights and fundamental freedoms of all people;

Recognizing the historic opportunity to build a new Europe, in which each State is secure in its internationally recognized borders and respects the independence and territorial integrity of all members of the transatlantic community;

Determined to strengthen their bilateral relations as a contribution to building this new Europe, and to enhance the security of all States through the adaptation and enlargement of European and transatlantic institutions;

Committed to the full development of human potential within just and inclusive societies attentive to the promotion of harmonious and equitable relations among individuals belonging to diverse ethnic and religious groups;

Avowing a common interest in developing cooperative, mutually respectful relations with all other States in the region;

Recalling the friendly relations that have been continuously maintained between the United States of America and the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania since 1922;

Further recalling that the United States of America never recognized the forcible incorporation of Estonia, Latvia and Lithuania into the Union of Soviet Socialist Republics in 1940, but rather regards their statehood as uninterrupted since the establishment of their independence, a policy which the United States has restated continuously for five decades;

Celebrating the rich contributions that immigrants from Estonia, Latvia and Lithuania have made to the multi-ethnic culture of the United States of America, as well as the European heritage enjoyed by the United States as a beneficiary of the contributions of intellectuals, artists, and Hanseatic traders from the Baltic States to the development of Europe; praising the contributions of United States citizens to the liberation and rebuilding of Estonia, Latvia and Lithuania;

Affirm as a political commitment declared at the highest level, the following principles and procedures to guide their individual and joint efforts to achieve the goals of this Charter.

Principles of partnership

The United States of America has a real, profound, and enduring interest in the independence, sovereignty and territorial integrity, and security of Estonia, Latvia and Lithuania.

The United States of America warmly welcomes the success of Estonia, Latvia and Lithuania in regaining their freedom and resuming their rightful places in the community of nations.

The United States of America respects the sacrifices and hardships undertaken by the people of Estonia, Latvia and Lithuania to re-establish their independence. It encourages efforts by these States to continue to expand their political, economic, security and social ties with other nations as full members of the transatlantic community.

The Partners affirm their commitment to the rule of law as a foundation for a transatlantic community of free and democratic nations, and to the responsibility of all just societies to protect and respect the human rights and civil liberties of all individuals residing within their territories.

The Partners underscore their shared commitment to the principles and obligations contained in the Charter of the United Nations.

The Partners reaffirm their shared commitment to the purposes, principles, and provisions of the Helsinki Final Act and subsequent documents of the Organization for Security and Cooperation in Europe (OSCE), including the Charter of Paris and the documents adopted at the Lisbon OSCE Summit.

The Partners will observe in good faith their commitments to promote and respect the standards for human rights embodied in the above-mentioned OSCE documents and in the Universal Declaration of Human Rights. They will implement their legislation protecting such human rights fully and equitably.

The United States of America commends the measures taken by Estonia, Latvia and Lithuania to advance the integration of Europe by establishing close cooperative relations among themselves and with their neighbours, as well as their promotion of regional cooperation through their participation in forums such as the Baltic Assembly, Baltic Council of Ministers, and the Council of Baltic Sea States.

Viewing good-neighbourly relations as fundamental to overall security and stability in the transatlantic community, Estonia, Latvia and Lithuania reaffirm their determination to enhance further bilateral relations between themselves and with other neighbouring States.

The Partners will intensify their efforts to promote the security, prosperity and stability of the region. The Partners will draw on the points noted below in focusing their efforts to deepen the integration of the Baltic States into transatlantic and European institutions, promote cooperation in security and defence, and develop the economies of Estonia, Latvia and Lithuania.

A commitment to integration

As part of a common vision of a Europe whole and free, the Partners declare that their shared goal is the full integration of Estonia, Latvia and Lithuania into European and transatlantic political, economic, security, and defence institutions. Europe will not be fully secure unless Estonia, Latvia and Lithuania are each secure.

The Partners reaffirm their commitment to the principle, established in the Helsinki Final Act, repeated in the Budapest and Lisbon OSCE summit declarations, and also contained in the OSCE Code of Conduct on Politico-Military Aspects of Security, that the security of all States in the Euro-Atlantic community is indivisible.

The Partners further share a commitment to the core principle, also articulated in the OSCE Code of Conduct and reiterated in subsequent OSCE summit declarations, that each State has the inherent right to individual and collective self-defence as well as the right freely to choose its own security arrangements, including treaties of alliance.

The Partners support the vital role being played by a number of complementary institutions and bodies - including OSCE, the European Union, the West European Union, the North Atlantic Treaty Organization (NATO), the Euro-Atlantic Partnership Council, the Council of Europe, and the Council of Baltic Sea States - in achieving the partners' shared goal of an integrated, secure, and undivided Europe.

They believe that, irrespective of factors related to history or geography, such institutions should be open to all European democracies willing and able to shoulder the responsibilities and obligations of membership, as determined by those institutions.

The Partners welcome a strong and vibrant OSCE dedicated to promoting democratic institutions, human rights and fundamental freedoms. They strongly support OSCE's role as a mechanism to prevent, manage and resolve conflicts and crises.

Estonia, Latvia and Lithuania each reaffirm their goal to become full members of all European and transatlantic institutions, including the European Union and NATO.

The United States of America recalls its long-standing support for the enlargement of the European Union, affirming it as a core institution in the new

Europe and declaring that a stronger, larger, and outward-looking European Union will further security and prosperity for all of Europe.

The Partners believe that the enlargement of NATO will enhance the security of the United States, Canada, and all the countries in Europe, including those States not immediately invited to membership or not currently interested in membership.

The United States of America welcomes the aspirations and supports the efforts of Estonia, Latvia and Lithuania to join NATO. It affirms its view that NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance.

The United States of America reiterates its view that the enlargement of NATO is an ongoing process. It looks forward to future enlargements, and remains convinced that, not only will NATO's door remain open to new members, but that the first countries invited to membership will not be the last. No non-NATO country has a veto over Alliance decisions. The United States notes that the Alliance is prepared to strengthen its consultations with aspirant countries on the full range of issues related to possible NATO membership.

The Partners welcome the results of the Madrid Summit. They support the Alliance's commitment to an open-door policy and welcome the Alliance's recognition of the Baltic States as aspiring members of NATO. Estonia, Latvia and Lithuania pledge to deepen their close relations with the Alliance through the Euro-Atlantic Partnership Council, the Partnership for Peace, and the intensified dialogue process.

The Partners underscore their interest in Russia's democratic and stable development and support a strengthened NATO-Russia relationship as a core element of their shared vision of a new and peaceful Europe. They welcome the signing of the NATO-Russia Founding Act and the NATO-Ukraine Charter, both of which further improve European security.

Security cooperation

The Partners will consult together, as well as with other countries, in the event that a Partner perceives that its territorial integrity, independence, or security is threatened or at risk. The Partners will use bilateral and multilateral mechanisms for such consultations.

The United States welcomes and appreciates the contributions that Estonia, Latvia and Lithuania have already made to European security through the peaceful restoration of independence and their active participation in the Partnership for Peace. The United States also welcomes their contributions to the Implementation Force (IFOR), the Stabilization Force (SFOR), and other international peacekeeping missions.

Building on the existing cooperation among their respective ministries of defence and armed forces, the United States of America supports the efforts of Estonia, Latvia and Lithuania to provide for their legitimate defence needs, including development of appropriate and interoperable military forces.

The Partners welcome the establishment of the Baltic Security Assistance Group (BALTSEA) as an effective body for international coordination of security assistance to Estonia's, Latvia's, and Lithuania's defence forces.

The Partners will cooperate further in the development and expansion of defence initiatives, such as the Baltic Peacekeeping Battalion (BaltBat), the Baltic Squadron (Baltron), and the Baltic airspace management regime (BaltNet), which provide a tangible demonstration of practical cooperation enhancing the common security of Estonia, Latvia and Lithuania, and the transatlantic community.

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Washington, D.C. 16 January 1998